



Monday, 10 June 2024

Dear Sir/Madam

A meeting of the Licensing and Appeals Panel will be held on Tuesday, 18 June 2024 in the Council Chamber, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB, commencing at 10.00 am.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: D D Pringle
R Bullock

A Cooper
C M Tideswell (substitute)

AGENDA

1. Election of Chair

2. Apologies

To receive apologies and to be notified of the attendance of substitutes.

3. Declarations of Interest

(Pages 3 - 10)

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

4. Application to Vary a Premises Licence

(Pages 11 - 158)

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Report of the Monitoring Officer

DECLARATIONS OF INTEREST

1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

Part 2 – Member Code of Conduct

General Obligations:

10. Interest

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publically available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.

Advice from the Monitoring Officer:

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

'The nature of my interest is therefore the type of interest is
DPI/ORI/NRI/BIAS/PREDETERMINATION
'The action I will take is...'

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

Ask yourself do you have any of the following interest to declare?

1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A "Disclosable Pecuniary Interest" is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

2. OTHER REGISTERABLE INTERESTS (ORIs)

An "Other Registerable Interest" is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) anybody directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of general control or management.

3. NON-REGISTRABLE INTERESTS (NRIs)

"Non-Registrable Interests" are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter "directly relates" to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

Declarations and Participation in Meetings

1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

Action to be taken

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

2. OTHER REGISTERABLE INTERESTS (ORIs)

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

3. NON-REGISTRABLE INTERESTS (NRIs)

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
 - **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
 - **you must withdraw** from the room unless you have been granted a Dispensation.
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Dispensation and Sensitive Interests

A “Dispensation” is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A “Sensitive Interest” is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.

BIAS and PREDETERMINATION

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority’s decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.

BIAS

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

PREDETERMINATION

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

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Registerable Interests

These are interests that you are required to register in accordance with the Code of Conduct. They are interests that you would know about in advance of an item coming up (e.g. land you own) and you should have included them when filling in your register of interests.

What type of Registerable Interest do you have in this matter?

Disclosable Pecuniary Interests

These are any interests that are described as DPIs under the Code of Conduct and include both the interests of yourself and of your partner.

Other Registerable Interests

These are personal interests that relate to certain types of bodies that you may be involved in as set out in the Code of Conduct.

Does the matter directly relate to one of your Disclosable Pecuniary Interests?

No

Does the matter directly relate to the financial interest or wellbeing of one of your Other Registerable Interests?

No

Does the matter affect a financial interest or the wellbeing of yourself or of a friend, relative or close associate?

No

Yes

Yes

Is the financial interest or wellbeing affected to a greater extent than the financial interests or wellbeing of the majority of inhabitants?

No

Yes

Yes

Would a reasonable member of the public knowing all the facts believe that it would affect your view of the wider public interest?

No

Yes

You must:

- Disclose the interest;
- Not speak on the matter;
- Not participate in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

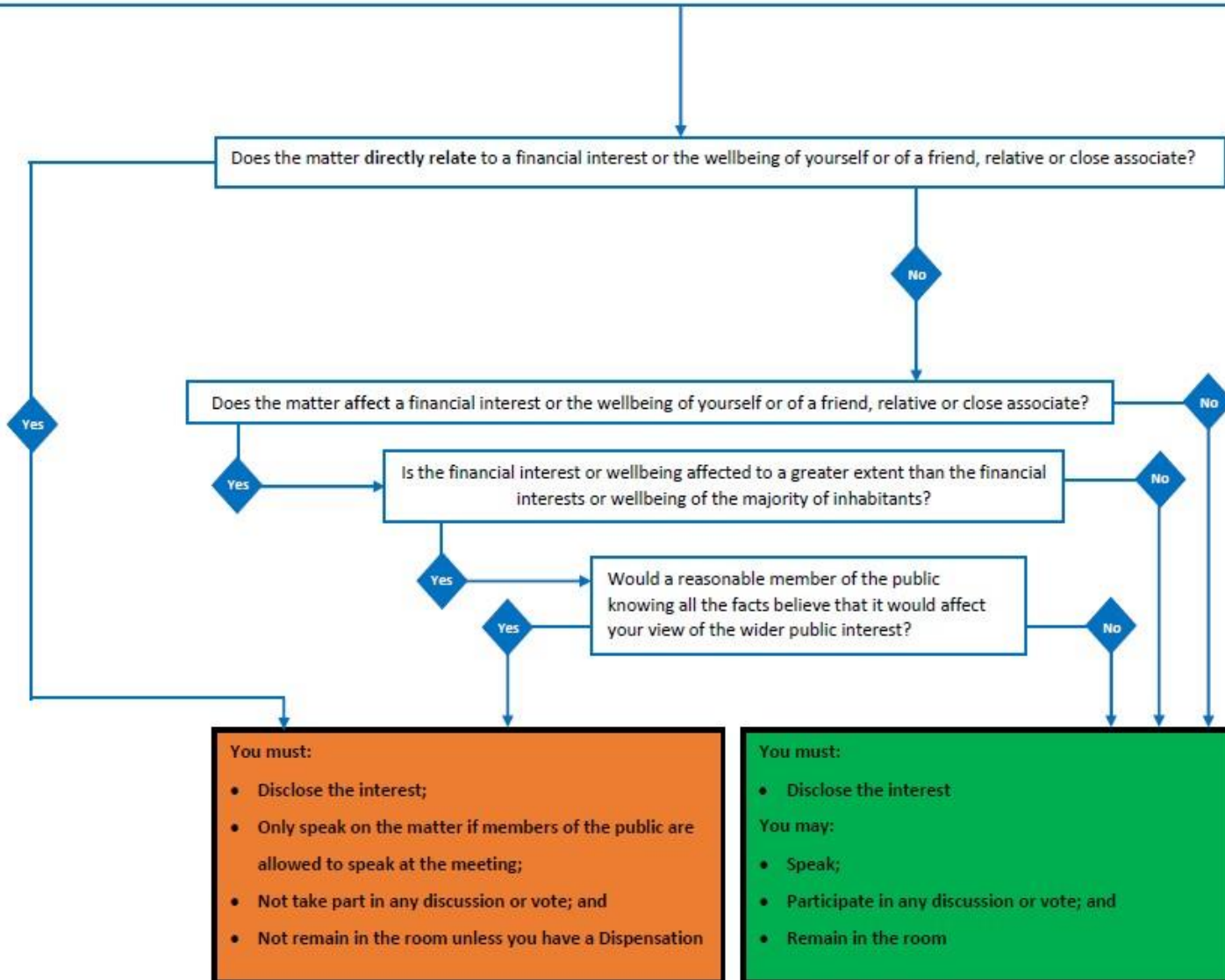
- Disclose the interest;
- Only speak on the matter if members of the public are allowed to speak at the meeting;
- Not take part in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

- Disclose the interest
- You may:
- Speak;
 - Participate in any discussion or vote; and
 - Remain in the room

Non-Registerable Interests

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



Date and Time 18 June 2024 at 10.00 am
Location Council Chamber
 Broxtowe Borough Council
 Foster Avenue
 Beeston
 Nottingham
 NG9 1AB

Applicant:	Greene King Brewing & Retailing Limited
Premises applied for:	Hayloft Nottingham Road Giltbrook Nottingham NG16 2GB
Type of application:	S34 Licensing Act 2003 Application to vary a premises licence
Date application received	25.04.2024
Consultation period end	23.05.2024
Licensable Activities applied for:	Recorded Music Provision of Late Night Refreshment Supply of Alcohol
Variation(s) applied for:	<p>To extend the sale of alcohol, recorded music and late night refreshment on Friday and Saturday, and any Sunday prior to a bank holiday until 02.00 hours the following morning. (currently permitted until 00.00 Friday and Saturday, and 01.00 Sunday prior to a bank holiday).</p> <p>To permit the sale of alcohol, recorded music and late night refreshment for New Year’s Eve until 02.00.</p> <p>To permit the premises to open for an additional 30 minutes following the cessation of the sale of alcohol.</p> <p>To change the plan to include the external areas of the premises for the sale of alcohol.</p> <p>To remove the following conditions from the premises licence:</p> <ul style="list-style-type: none"> - A zero tolerance policy towards illegal drugs will be enforced at all times. - If a DJ is used on any night then he/she will ask customers to leave quietly. - CCTV camera shall operate whilst the premises are open to the public and recordings and footage shall be retained and archives for a period of not less than 31 days. Such recordings shall be made available to the police or authorised officer of the council at reasonable times. - All instance of crime and disorder will be reported to the police and will be recorded in an incident log book. - Additional patrols will take place by members of staff, internally and externally, to monitor any noise pollution when entertainment is being offered within the premises.

<p>Variation(s) applied for:</p>	<ul style="list-style-type: none"> - Text and/or radio pagers, where already used, will continue to be used during operating hours and will be monitored by a responsible member of staff. - Under 18 year olds will not be allowed to play on section 34 permitted amusements with prizes (AWP) machines. - Clear and legible notices shall be displayed in prominent locations in and around the premises in wording and locations to be approved by the Licensing Authority advising members of the public with regard to the following: <ul style="list-style-type: none"> a) Quiet departure and dispersal of customers after closing time. b) Telephone helpline number provided by the licence holder for reporting any issues or concerns regarding the operation of the premises c) Quiet departure of customers using the car parking facilities. <p>To add the following conditions to the premises licence:</p> <ol style="list-style-type: none"> 1. All staff who have direct dealings with customers shall be trained in the following: <ul style="list-style-type: none"> (i) Licensing law and in particular that relating to the sale of alcohol; (ii) The Challenge 25 policy; (iii) The premises licence and its conditions. <p>A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.</p> <ol style="list-style-type: none"> 2. An incident log will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken. 3. The DPS/ manager will undertake a risk assessment in relation to any night where premises opens until 02:00hrs in order to determine whether SIA door staff will be required to promote the licensing objectives. Where the risk assessment identifies the need for SIA door staff, these will be provided at the times and in the numbers deemed by the risk assessment to be appropriate in the circumstances. This risk assessment will be revisited regularly to ensure that the risk assessment remains appropriate. The risk assessment is to be in written form and kept at the premises for inspection by the Licensing Authority or Police upon request. 4. A CCTV system shall be installed and maintained at the premises during times when the premises is open to the public. 5. CCTV images will be kept for a period of 31 days and made available to the police as soon as reasonably practicable. 6. CCTV will operate in accordance with the relevant Data Protection Legislation. 7. Any manager left in charge of the premises shall be trained in the use of any such CCTV equipment and be able to
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produce/download/burn CCTV images upon request from an authorised officer.

8. The DPS/ manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.

9. There shall be no new entry to the premises after Midnight on a Friday, Saturday or Sunday preceding the bank holiday.

10. A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed.

11. Any outside areas are to be monitored by management and staff, when occupied, during the hours that the premises are open to the public.

12. A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly. The policy will be disseminated to staff as required to ensure that it is properly implemented and a copy kept at the premises for inspection by licensing or other responsible authority officers on request.

13. When regulated entertainment is provided, noise checks will be carried out at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.

14. A complaints log will be maintained and any complaints from residents shall be recorded in it. As a minimum, the information recorded shall include: date and time of the complaint, name of complainant and any action taken thereafter in relation to it.

15. A Challenge 25 policy shall be implemented and full and appropriate identification shall be sought from any person who appears under the age of 25.

16. Any external mobile bar will only be used between the hours of 11.00 hours and 22.30 hours daily.

17. Any external mobile bar will be supervised at all times when in use.

18. Any external mobile bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

All other hours, activities and conditions to remain unaltered.

Hours applied for:	Recorded Music: Sunday – Thursday 10.00 - 23.00 (No Change) Friday – Saturday 10.00 - 02.00 (exempt until 23.00) Provision of Late Night Refreshment: Sunday – Thursday 23.00 - 23.30 (No Change) Friday – Saturday 23.00 - 02.00 Supply of Alcohol: Sunday – Thursday 10.00 - 23.00 (No Change) Friday – Saturday 10.00 - 02.00
Hours open to Public:	Sunday – Thursday 10.00 - 23.30 (No Change) Friday – Saturday 10.00 - 02.30
Steps applicant proposes to take to promote the Licensing Objectives.	See application (Appendix 1) See existing Licence (Appendix 2) See email from Police regarding re-wording condition (Appendix 3)
Representations by Responsible Authorities	Comments
<ul style="list-style-type: none"> • Police • Planning • Environmental Health Health & Safety • Environmental Health Noise • Fire Service • Safeguarding Children Board • Trading Standards • Health 	No Objection None None No Objection None None None None

Representations by Interested Parties:	Licensing Objectives			
	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
Mr S Leaf	X		X	
Ms E Ward	X	X	X	
Mr A Pyngar	X		X	
Anon 1	X	X	X	
Ms Wagner	X		X	
Mr & Mrs House	X		X	
Ms L Leaf	X	X	X	
Mr J Whitmore			X	
Mrs T Wood	X		X	
Mr S Matthews			X	
Mr S Hawksworth	X	X	X	
Mr P Lamb			X	
Ms M Weston	X		X	
Mr T Britton	X		X	
Anon 2	X		X	
Cllr E Williamson	X		X	X
Mr G Weston	X		X	
Mr J Peake	X		X	
Attendances on behalf of the Applicant:	TBC			
Attendances on behalf of Interested Parties	TBC			
Attached documents	<ul style="list-style-type: none"> • Application and Plan (Appendix 1) • Current Licence (Appendix 2) • Email from Police – agreed re-wording of conditions (Appendix 3) • Relevant representations (Appendix 4) 			

Licensing History

The site applied for a conversion and variation of their licence when the power to licence a premises transferred from Magistrates Court to the Local Authority in 2005. The original licence was granted after a hearing on 19 August 2005.

The table below shows the applications that the licensing authority have received in relation to this premise.

Date	Type of application
19.08.2005	Conversion and Variation application granted
24.11.2005	Vary DPS
25.05.2007	Transfer application
10.12.2008	Vary DPS
06.02.2009	Vary DPS
30.03.2009	Vary DPS

27.05.2009	Vary DPS
09.11.2009	Vary DPS
04.07.2011	Transfer application
08.08.2012	Vary DPS
06.08.2013	Vary DPS
23.03.2018	Vary DPS
17.07.2019	Vary DPS
02.03.2021	Transfer application
08.10.2021	Vary DPS
17.11.2021	Vary DPS
05.04.2022	Vary DPS
20.04.2022	Vary DPS
16.06.2022	Minor Variation
06.07.2022	Vary DPS
09.02.2023	Vary DPS

The licensing authority has received six TEN's for this premise in this calendar year. The premises held a premise licence issued under the Licensing Act 2003, however, the TEN extended the licensable hours, the details of the TEN's are shown in this table:

TEN Number	Start	Finish	Days	Dates
1	00:00	23:59	2	01.01.2024 - 02.01.2024
2	00:00	23:59	4	09.02.2024 - 12.02.2024
3	00:00	23:59	4	16.02.2024 - 19.02.2024
4	00:00	23:59	3	05.04.2024 - 07.04.2024
5	00:00	23:59	3	03.05.2024 - 05.05.2024
6	00:00	23:59	4	07.06.2024 - 10.06.2024

Focus of hearing:

The Panel may first need to consider whether the public should be excluded during part or all of the hearing of this matter under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

14. Hearing to be public

- (1) Subject to paragraph (2), the hearing shall take place in public.
- (2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- (3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Relevance of representations

Representations have been received from 18 local residents. All representations are relevant.

Representations have been received relating to the licensing objectives as follows:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

Those making representations may wish to consider any conditions that they would like the Licensing Committee to consider attaching to the licence if they are minded to grant it.

Consideration of the application

Whether upon consideration of the facts, that the grant of an application by Greene King Brewing & Retailing Limited in the terms applied for and subsequently amended in consultation with Nottinghamshire Police Licensing, will undermine the above mentioned licensing objectives.

In considering this application, the Licensing and Appeals Sub-Committee will have regard to:

- The representations from the Interested Parties (**Appendix4**)
- Additional conditions volunteered by the applicant (**Appendix1**)
- The guidance issued under 182 of the Licensing Act 2003 (As updated) - Chapters 2, 8, 9 and 10 (**Appendix 5**)
- The council's "Statement of Licensing Policy" 2024 – 2029 and in particular:
 - Sections 2, 5 & 6 (**Appendix 6**)
 - Policy 1 and 2:

Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

Policy 2

When preparing or considering applications, applicants, responsible authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.
- (ii) The precise nature, type and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant in the Operating Schedule.
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) The provision and availability of adequate seating and the restriction of standing areas
- vii Noise from the premises or noise arising from persons visiting the premises
- (viii) The potential cumulative impact
- (ix) Other means and resources available to mitigate any impact.
- (x) Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

Recommendations

That Members are asked to consider the variation to the application including the representations made for the Hayloft, Nottingham Road, Giltbrook, Nottingham, NG16 2GB and takes steps as it considers appropriate for the promotion of the licensing objectives.

The steps available on determination of a variation application are:

- **To modify the conditions of the licence**
- **To reject the whole or part of the application**

List of Appendices

- Appendix 1 – Application and plan
- Appendix 2 – Existing Licence
- Appendix 3 – Police email rewording condition
- Appendix 4 – Representations
- Appendix 5 – Chapters 2, 8, 9 and 10 of S182 Guidance
- Appendix 6 – Sections 2, 5 and 6 of BBC Statement of Licensing Policy
- Appendix 7 – Procedure for hearing

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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.

I/We Greene King Brewing & Retailing Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 05/00423PREMV

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Hayloft Nottingham Road Giltbrook			
Post town	Nottingham	Postcode	NG16 2GB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£18,500.00 – Band B

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	Licensingpp@greeneking.co.uk		
Current postal address if different from premises address	Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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 see guidance note 2)

To extend the sale of alcohol, recorded music and late night refreshment on Friday and Saturday, and any Sunday prior to a bank holiday until 02.00 hours the following morning. (currently permitted until 00.00 Friday and Saturday, and 01.00 Sunday prior to a bank holiday).

To permit the sale of alcohol, recorded music and late night refreshment for New Year's Eve until 02.00.

To permit the premises to open for an additional 30 minutes following the cessation of the sale of alcohol.

To change the plan to include the external areas of the premises for the sale of alcohol.

To remove the following conditions from the premises licence:

- A zero tolerance policy towards illegal drugs will be enforced at all times.
- If a DJ is used on any night then he/she will ask customers to leave quietly.
- CCTV camera shall operate whilst the premises are open to the public and recordings and footage shall be retained and archives for a period of not less than 31 days. Such recordings shall be made available to the police or authorised officer of the council at reasonable times.
- All instance of crime and disorder will be reported to the police and will be recorded in an incident log book.
- Additional patrols will take place by members of staff, internally and externally, to monitor any noise pollution when entertainment is being offered within the premises.
- Text and/or radio pagers, where already used, will continue to be used during operating hours and will be monitored by a responsible member of staff.
- Under 18 year olds will not be allowed to play on section 34 permitted amusements with prizes (AWP) machines.
- Clear and legible notices shall be displayed in prominent locations in and around the premises in wording and locations to be approved by the Licensing Authority advising members of the public with regard to the following:
 - a) Quiet departure and dispersal of customers after closing time.
 - b) Telephone helpline number provided by the licence holder for reporting any issues or concerns regarding the operation of the premises
 - c) Quiet departure of customers using the car parking facilities.

To add the following conditions to the premises licence:

1. All staff who have direct dealings with customers shall be trained in the following:
 - (i) Licensing law and in particular that relating to the sale of alcohol;
 - (ii) The Challenge 25 policy;
 - (iii) The premises licence and its conditions.

- A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.
2. An incident log will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.
 3. The DPS/ manager will undertake a risk assessment in relation to any night where premises opens until 02:00hrs in order to determine whether SIA door staff will be required to promote the licensing objectives. Where the risk assessment identifies the need for SIA door staff, these will be provided at the times and in the numbers deemed by the risk assessment to be appropriate in the circumstances. This risk assessment will be revisited regularly to ensure that the risk assessment remains appropriate. The risk assessment is to be in written form and kept at the premises for inspection by the Licensing Authority or Police upon request.
 4. A CCTV system shall be installed and maintained at the premises during times when the premises is open to the public.
 5. CCTV images will be kept for a period of 31 days and made available to the police as soon as reasonably practicable.
 6. CCTV will operate in accordance with the relevant Data Protection Legislation.
 7. Any manager left in charge of the premises shall be trained in the use of any such CCTV equipment and be able to produce/download/burn CCTV images upon request from an authorised officer.
 8. The DPS/ manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.
 9. There shall be no new entry to the premises after Midnight on a Friday, Saturday or Sunday preceding the bank holiday.
 10. A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed.
 11. Any outside areas are to be monitored by management and staff, when occupied, during the hours that the premises are open to the public.
 12. A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly. The policy will be disseminated to staff as required to ensure that it is properly implemented and a copy kept at the premises for inspection by licensing or other responsible authority officers on request.
 13. When regulated entertainment is provided, noise checks will be carried out at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.
 14. A complaints log will be maintained and any complaints from residents shall be recorded in it. As a minimum, the information recorded shall include: date and time of the complaint, name of complainant and any action taken thereafter in relation to it.
 15. A Challenge 25 policy shall be implemented and full and appropriate identification shall be sought from any person who appears under the age of 25.
 16. Any external mobile bar will only be used between the hours of 11.00 hours and 22.30 hours daily.
 17. Any external mobile bar will be supervised at all times when in use.
 18. Any external mobile bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

All other hours, activities and conditions to remain unaltered.

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

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 see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| 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 checked="" 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)			Will the performance of a play take place <u>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			
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

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

C

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

D

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

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>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	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>									
				Outdoors	<input type="checkbox"/>									
				Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance note 5)											
Mon														
	10:00	23:00												
Tue														
	10:00	23:00												
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)								
	10:00	23:00												
Thur														
	10:00	23:00												
Fri									Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)					
	10:00													
Sat		02:00										Sunday preceding a bank holiday and New Year's Eve until 02.00 hours.		
	10:00													
Sun		02:00										All other non-standard timings to remain unchanged, except where it conflicts with the above.		
	10:00	23:00												

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance 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"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 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)			Please give a description of the type of entertainment you will be providing		
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			<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)		
Thur			<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)		
Fri					
Sat					
Sun					

I

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"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
	23:00	23:30						
Tue								
	23:00	23:30						
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
	23:00	23:30						
Thur								
	23:00	23:30						
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)		
	23:00							
Sat		02:00						
	23:00		Sunday preceding a bank holiday and New Year's Eve until 02.00 hours. All other non-standard timings to remain unchanged, except where it conflicts with the above.					
Sun		02:00						
	23:00	23:30						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)					
Mon								
	10:00	23:00						
Tue								
	10:00	23:00						
Wed								
	10:00	23:00						
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)		
	10:00	23:00						
Fri								
	10:00							
Sat		02:00						
	10:00							
Sun		02:00						
	10:00	23:00						

K

<p>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).</p> <p>None</p>
--

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			<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p> <p>Sunday preceding a bank holiday and New Year's Eve until 02.30 hours.</p> <p>All other non-standard timings to remain unchanged, except where it conflicts with the above.</p>
	10:00	23:30	
Tue			
	10:00	23:30	
Wed			
	10:00	23:30	
Thur			
	10:00	23:30	
Fri			
	10:00		
Sat		02:30	
	10:00		
Sun		02:30	
	10:00	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.

- A zero tolerance policy towards illegal drugs will be enforced at all times.
- If a DJ is used on any night then he/she will ask customers to leave quietly.
- CCTV camera shall operate whilst the premises are open to the public and recordings and footage shall be retained and archives for a period of not less than 31 days. Such recordings shall be made available to the police or authorised officer of the council at reasonable times.
- All instance of crime and disorder will be reported to the police and will be recorded in an incident log book.
- Additional patrols will take place by members of staff, internally and externally, to monitor any noise pollution when entertainment is being offered within the premises.
- Text and/or radio pagers, where already used, will continue to be used during operating hours and will be monitored by a responsible member of staff.
- Under 18 year olds will not be allowed to play on section 34 permitted amusements with prizes (AWP) machines.
- Clear and legible notices shall be displayed in prominent locations in and around the premises in wording and locations to be approved by the Licensing Authority advising members of the public with regard to the following:
 - a) Quiet departure and dispersal of customers after closing time.
 - b) Telephone helpline number provided by the licence holder for reporting any issues or concerns regarding the operation of the premises
 - c) Quiet departure of customers using the car parking facilities.

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

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 and e) (please read guidance note 11)

1. All staff who have direct dealings with customers shall be trained in the following:
 - (i) Licensing law and in particular that relating to the sale of alcohol;
 - (ii) The Challenge 25 policy;
 - (iii) The premises licence and its conditions.A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.
2. Any external mobile bar will only be used between the hours of 11.00 hours and 22.30 hours daily.
3. Any external mobile bar will be supervised at all times when in use.
4. Any external mobile bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

b) The prevention of crime and disorder

1. An incident log will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.
2. The DPS/ manager will undertake a risk assessment in relation to any night where premises opens until 02:00hrs in order to determine whether SIA door staff will be required to promote the licensing objectives. Where the risk assessment identifies the need for SIA door staff, these will be provided at the times and in the numbers deemed by the risk assessment to be appropriate in the circumstances. This risk assessment will be revisited regularly to ensure that the risk assessment remains appropriate. The risk assessment is to be in written form and kept at the premises for inspection by the Licensing Authority or Police upon request.
3. A CCTV system shall be installed and maintained at the premises during times when the premises is open to the public.
4. CCTV images will be kept for a period of 31 days and made available to the police as soon as reasonably practicable.
5. CCTV will operate in accordance with the relevant Data Protection Legislation.
6. Any manager left in charge of the premises shall be trained in the use of any such CCTV equipment and be able to produce/download/burn CCTV images upon request from an authorised officer.

c) Public safety

1. The DPS/ manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.

d) The prevention of public nuisance

1. There shall be no new entry to the premises after Midnight on a Friday, Saturday or Sunday preceding the bank holiday.
2. A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed.
3. Any outside areas are to be monitored by management and staff, when occupied, during the hours that the premises are open to the public.
4. A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly. The policy will be disseminated to staff as required to ensure that it is properly implemented and a copy kept at the premises for inspection by licensing or other responsible authority officers on request.
5. When regulated entertainment is provided, noise checks will be carried out at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.
6. A complaints log will be maintained and any complaints from residents shall be recorded in it. As a minimum, the information recorded shall include: date and time of the complaint, name of complainant and any action taken thereafter in relation to it.

e) The protection of children from harm

1. A Challenge 25 policy shall be implemented and full and appropriate identification shall be sought from any person who appears under the age of 25.

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. **ONLINE SUBMISSION**
- 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 (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	24 April 2024
Capacity	Solicitor to 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 address for correspondence associated with this application (please read guidance note 15) Amy King TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

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.





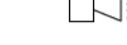










1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:


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

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

Notes:

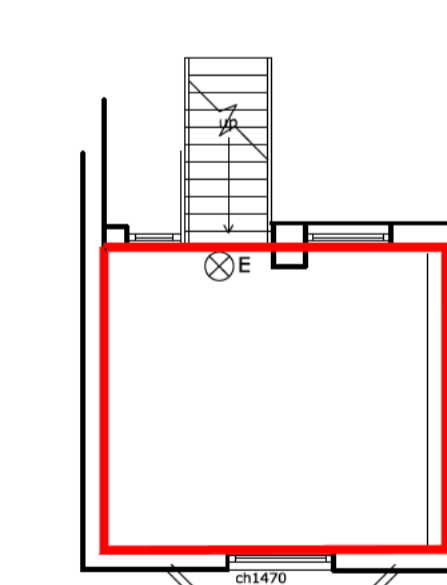
Services

-  Fire Alarm Panel
-  Automatic fire detector
-  Manual Call Point
-  Sounder
-  Sounder Beacon
-  Emergency light-fitting (Flourescent Downlight or luminaire)
-  Emergency Exit Light c/w legend (directional)
-  9-litre water fire extinguisher
-  Dry powder fire extinguisher
-  Carbon Dioxide fire extinguisher
-  Foam fire extinguisher
-  CCTV camera
-  Mechanical extraction fan
-  Air-conditioning unit
-  Licensable Activities


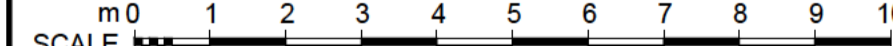
 External area for the sale of alcohol



THE GROUND FLOOR PLAN



THE MEZZANINE PLAN

Revision	Description	Date
 DV8 DESIGNS ARCHITECTURE+INTERIORS		
<h1>PROPOSED</h1>		
<small>NOTE: DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANTS DOCUMENTATION</small>		
<small>m 0 1 2 3 4 5 6 7 8 9 10</small> SCALE  1:100		
Client: GREENE KING		
Project No. 2080	Project: THE HAYLOFT	
Drawing No. L-02	Drawing Title: PROPOSED LICENSING	
Revision:	Scale: 1:100 @ A1	Date: 27.04.22
		Drawn by: LH



PREMISES LICENCE

LICENSING ACT 2003, Schedule 12 Part A, SI 2005/42 Regulation 33,34

Premises Licence Number	05/00423PREMV	Type: Variation
Date of Grant	19 August 2005	(Varied 18.05.2007) (Minor Variation 16.06.2022)
Address	Hayloft Nottingham Road Giltbrook Nottingham	
Postcode	NG16 2GB	
Telephone number	0115 938 4946	
Licensable activities authorised by the licence	Provision of regulated entertainment: <ul style="list-style-type: none">• Live music• Recorded music• Anything of a similar description Provision of late night refreshment Sale by retail of alcohol <u>All regulated entertainment is indoors only.</u>	
Times the licence authorises the carrying out of the licensable activities	Provision of regulated entertainment: <u>Standard timings:</u> Sunday – Thursday 10:00 – 23:00 Friday – Saturday 10:00 – 00:00 Provision of late night refreshment: <u>Standard timings:</u> Sunday – Thursday 23:00 – 23:30 Friday – Saturday 23:00 – 00:30 (following day) Sale and supply of alcohol: <u>Standard timings:</u> Sunday – Thursday 10:00 – 23:00 Friday – Saturday 10:00 – 00:00 <u>Non-standard timings for the above licensable activities:</u> Standard timings terminal hour plus 1:00 on: <ul style="list-style-type: none">• Christmas Eve• Thursday before Good Friday• Statutory Bank Holiday weekends• Holiday Friday, Saturday, Sunday, Monday On those occasions listed below, with 7 days notice to the Nottinghamshire Police and provided the Police agree: Standard timings terminal hour plus 1:00 on: <ul style="list-style-type: none">• March 1 (St David's Day)• March 17 (St Patrick's Day)	

	<ul style="list-style-type: none"> • April 23 (St George's Day) • November 30 (St Andrew's Day) <p>On occasions of local, national or international significance or for charitable events, limited to twelve per year and with fourteen days notice to the Nottinghamshire Police and provided the Police agree:</p> <ul style="list-style-type: none"> • Standard timings terminal hour plus 1:00.
Opening hours of the premises	<p><u>Standard timings:</u> Sunday – Thursday 10:00 – 23:30 Friday – Saturday 10:00 – 00:30 (following day)</p> <p><u>Non-standard timings:</u> Standard timings terminal hour plus 1:00 on:</p> <ul style="list-style-type: none"> • Christmas Eve • Thursday before Good Friday • Statutory Bank Holiday weekends • Holiday Friday, Saturday, Sunday, Monday <p>On those occasions listed below, with 7 days notice to the Nottinghamshire Police and provided the Police agree: Standard timings terminal hour plus 1:00 on:</p> <ul style="list-style-type: none"> • March 1 (St David's Day) • March 17 (St Patrick's Day) • April 23 (St George's Day) • November 30 (St Andrew's Day) <p>On occasions of local, national or international significance or for charitable events, limited to twelve per year and with fourteen days notice to the Nottinghamshire Police and provided the Police agree:</p> <ul style="list-style-type: none"> • Standard timings terminal hour plus 1:00.
Whether the supplies of alcohol are on and/ off the premises	Supply of alcohol both ON and OFF the premises
Name (registered) address, telephone number and e mail of the holder of the premises licence	Greene King Brewing & Retailing Limited (Transferred 02.03.2021) Westgate Brewery Bury St Edmunds Suffolk IP33 1QT Tel.: Email:
Registered Company No.	Company Number 03298903
Name, address and telephone number of the designated premises supervisor	Colin Meakin (Varied: 09.02.2023) Tel: Email: not known
Personal licence number and issuing authority of the personal licence held by the designated premises supervisor	Personal licence PSL1791 Issued by Erewash Borough Council

Annex 1(a)

The Licensing Act 2003 (Mandatory Conditions) Order 2014 **Conditions in force from 28th May 2014**

1. 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.
2. In this condition:—
 - a. “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where—
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - b. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
4. Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The Licensing Act 2003 **(Mandatory Licensing Conditions) (Amendment) Order 2014** **In force from 1st October 2014** **Mandatory Licensing Conditions**

1. (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
 - (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 carries 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 carries 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).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3. (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.
 4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks 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) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (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.”

Annex 2 – Conditions consistent with the Operating Schedule

1. A zero tolerance policy towards illegal drugs will be enforced at all times.
2. If a DJ is used on any night then he/she will ask customers to leave quietly.

3. CCTV camera shall operate whilst the premises are open to the public and recordings and footage shall be retained and archived for a period of not less than 31 days. Such recordings shall be made available to the police or authorised officer of the council at reasonable times.
4. All instances of crime and disorder will be reported to the police and will be recorded in an incident log book.
5. Additional patrols will take place by members of staff, internally and externally, to monitor any noise pollution when entertainment is being offered within the premises.
6. Text and/or radio pagers, where already used, will continue to be used during operating hours and will be monitored by a responsible member of staff.
7. Under 18 year olds will not be allowed to play on section 34 permitted amusements with prizes (AWP) machines.

**Annex 3 – Conditions attached after a hearing by the Licensing Authority held on
19 August 2005.**

1. Clear and legible notices shall be displayed in prominent locations in and around the premises in wording and locations to be approved by the Licensing Authority advising members of the public with regard to the following:
 - a) Quiet departure and dispersal of customers after closing time;
 - b) Telephone helpline number provided by the licence holder for reporting any issues or concerns regarding the operation of the premises;
 - c) Quiet departure of customers using the car parking facilities.
2. Doors and windows at the premises shall be closed between the hours of 23:00 and close of business on those days when entertainment is provided
3. The Designated Premises Supervisor shall take all reasonable steps to clear the beer garden of customers consuming alcohol and food by 23:00 each evening.

**Annex 4 – Plans
Ref: L-02 27.04.22**

See attached

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Good afternoon

I can confirm that the last entry condition is intended for the later hours we are applying for, so Friday and Saturday evenings each week, and then any Sunday preceding a bank holiday.

I am happy to amend to your proposed condition:

1. There shall be no new entry to the premises after Midnight on a Friday and Saturday evening. There shall be no new entry to the premises after Midnight on a Sunday preceding the bank holiday.

Let me know if you need anything further.

Kind Regards

Amy King
Senior Paralegal
for TLT LLP

[LinkedIn](#) | [Twitter](#)
www.TLT.com

From: Adrian Paling
Sent: Monday, May 13, 2024 9:58 AM
To: licensing ; Amy King <
Cc: Adrian Paling
Subject: Hayloft (Giltbrook) - Major variation

Good morning

Regarding the proposed variation for the Hayloft, Police at this stage do not object to the proposed hours and conditions listed on the application.

We are aware there are some local issues regarding noise, which may lead to a hearing panel, however Police are unlikely to be required to attend.

I can see there are a number of changes to the conditions which does allow for some stronger management policies and procedures to be implemented. From a Police point of view, we accept these as being appropriate for adding on to the licence, however can I just ask Amy to confirm the intention of the wording below, as grammatically it can be read in two ways, which may also then help at any hearing for clarification.

Listed in Section D (Prevention of Public Nuisance)

1. There shall be no new entry to the premises after Midnight on a Friday, Saturday or Sunday preceding the bank holiday.

Is the intention that each weekend there should be no entry after midnight on a Friday and Saturday evening, plus on the Sunday prior to a bank holiday. If so maybe consider rewording as below, or splitting in two? The current proposed condition could be read that the whole condition is centred around a bank holiday weekend, instead of separating the elements out.

1. There shall be no new entry to the premises after Midnight on a Friday and Saturday evening. There shall be no new entry to the premises after Midnight on a Sunday preceding the bank holiday.

If Amy can reply back to both myself and Broxtowe Licensing team please for clarification.

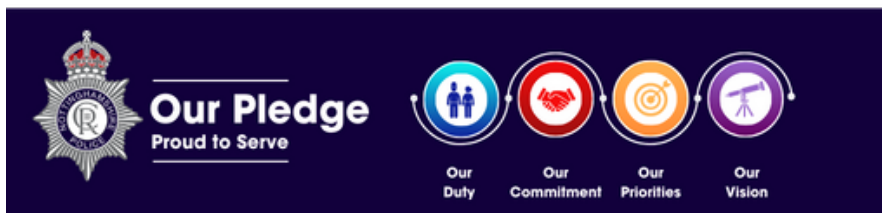
Many thanks

Adrian Paling
Temp Senior Licensing Enforcement Officer
County Team - Force Licensing



Mansfield Police Station, Great Central Road,
Mansfield, Nottinghamshire, NG18 2HQ

www.nottinghamshire.police.uk



Name of Representor	Page number of Representation
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3. Alan Pynegar	12
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5. Marilyn Wagner	14
6. Mr & Mrs House	18
7. Lydia Leaf	19
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**Broxtowe
Borough
COUNCIL**

**Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3496
Email: licensing@broxtowe.gov.uk**

Licensing Act 2003
Form of Representation by an Interested Party

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

Representations Privacy Notice

In the interests of fairness, your name and address will be disclosed to the applicant and will be included or summarised in the report to the Licensing Sub-Committee.

These details can also be viewed publicly on our website as they will form part of the application review.

You must specifically tell us if you do not wish your name and address to appear in the report to the Licensing Sub-Committee, which is a public document. We have to formally agree in writing that your name and address is to be withheld, and this can only be for exceptional reasons.

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament or a

local ward or parish councillor who can all act in such a capacity.

Please indicate in which capacity you are making this representation by ticking a box below:

- A person affected by the premises X
- A body representing a person affected by the premises
- A person involved in a business affected by the premises
- A body representing a business affected by the premises

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	Mr Simon Leaf
Address:	20 Baker Road Giltbrook Nottingham
Postcode:	NG16 2GA
Tel:	
Email:	

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
-------	--

Address:	
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Greene King
Address of Premises:	The Hayloft, Nottingham Road, Giltbrook
Application Details:	

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

I object to the proposal by Greene King for a variation of the licence at the Hayloft

1. The Hayloft is located in a residential area with houses surrounding and opposite the premises and there is no requirement locally for a late-night venue.
2. The noise from Karaoke/ Artists/Disco at weekends can be clearly heard at our house which is over 100 yards from the Hayloft.
3. Currently the Hayloft stays open until midnight, and there is no justification for extending the hours. Whilst Greene King/the licensee claim that the proposal would ensure that no-one is allowed to enter the premises after midnight the mechanism for this (given that there are three (3) entrances to the premises) would require the employment of door supervisors/security staff (at the licensee's expense) to ensure that this is the case. Licensed premises in Eastwood that are open after 11pm all employ security staff/door supervisors.
4. Extending the hours for the sale of alcohol would lead to unruly and anti-social behaviour.

5. The sale of alcohol in the external areas will increase the likelihood of unruly and anti-social behaviour and further noise.

There are 4 key principles to be taken into account under the terms of the Licensing Act

- 1. Prevention of crime and disorder
- 2. Public safety
- 3 Prevention of public nuisance
- 4 The Protection of children from harm

The proposal from Greene King does not address any of the 4 key principles.

I trust that the above will be considered and the application will be rejected

Please continue on separate sheet if necessary

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please tick this box if you do not intend to attend or be represented at any hearing.

X

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed:Simon Leaf.....

PRINT NAME: Simon Leaf.....

Date:22nd May 2024.....

Please return this form to the following address:



**Broxtowe
Borough
COUNCIL**

Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3496
Email: licensing@broxtowe.gov.uk

Licensing Act 2003
Form of Representation by an Interested Party

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

Representations Privacy Notice

In the interests of fairness, your name and address will be disclosed to the applicant and will be included or summarised in the report to the Licensing Sub-Committee.

These details can also be viewed publicly on our website as they will form part of the application review.

You must specifically tell us if you do not wish your name and address to appear in the report to the Licensing Sub-Committee, which is a public document. We have to formally agree in writing that your name and address is to be withheld, and this can only be for exceptional reasons.

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament or a local ward or parish councillor who can all act in such a capacity.

Please indicate in which capacity you are making this representation by ticking a box below:

- A person affected by the premises
- A body representing a person affected by the premises
- A person involved in a business affected by the premises
- A body representing a business affected by the premises

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	Elizabeth Ward
Address:	10 Baker Road Giltbrook Nottingham
Postcode:	NG16 2GA
Tel:	
Email:	

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
-------	--

Address:	
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Greene King Brewing and Retailing Limited
Address of Premises:	Hayloft, Nottingham Road, Giltbrook, Nottingham, NG16 2GB
Application Details:	<p>Variation of the premises license under the Licensing Act 2003 for:</p> <p>To extend the sale of alcohol, recorded music and late-night refreshment on Friday and Saturday, and any Sunday prior to a bank holiday until 02.00 hours the following morning. (currently permitted until 00.00 Friday and Saturday, and 01.00 Sunday prior to a bank holiday).</p> <p>To permit the sale of alcohol, recorded music and late-night refreshment for New Year's Eve until 02.00.</p> <p>To permit the premises to open for an addition 30 minutes following the cessation of the sale of alcohol.</p> <p>To change the plan to include the external areas of the premises for alcohol.</p> <p>To remove condition no longer relevant to the business. Where appropriate additional conditions have been offered to address the licensing objectives.</p>

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance



The Protection of Children from Harm



Details of representation:

The Hayloft Pub is situated in a built-up residential area, with residential homes just meters from it. There is also an elderly care home across the road. I am not just objecting their proposed license variation; I am requesting that their current license also be reconsidered.

When I bought my property on Baker Road two years ago, there were no issues with noise from the Hayloft. Over the last year or so, they have begun holding noisy weekend events, every weekend.

The pub plays exceptionally loud recorded and live music, along with karaoke nights. This begins at around 2100 every Friday and Saturday, and Sundays prior to bank holidays. It currently goes on, at unacceptable volume until at least Midnight. After that, we are then disturbed by the clientele leaving. They shout and walk down Baker Road, causing a public nuisance.

I contacted the pub via Facebook on 17 March 2023 at 2310 regarding a live music event that was beyond reasonable noise allowances, especially past 2300. The act went on until around 2330 and I was informed that noise levels were within legal limits, and closely monitored. I explained that I felt the levels had increased to unacceptable levels over recent months and requested that they consider the local community. They apologized for the inconvenience but made no changes to noise levels.

Shortly after, I opened a noise complaint with the council. Once a complaint is open, the venue is made aware. As a result, they reduced the noise levels considerably and therefore I was unable to record any incidents. Once the monitoring period was over, noise levels then raised again to the current levels.

Now the pub seeks to extend their hours. They state this is to ease local pressure. However, they have already conducted events with these extended hours, advertising them as 'Big Weekends' on social media. As part of this, they have added 'open until 2am' to their promotional material. These events have occurred on the 5th and 6th April 2024, and the 3rd and 4th May 2024. I feel that if the variation was indeed to ease local pressure, they would not be advertising it as a selling point for their events. I am also concerned that they have conducted these lengthened events during the review period for the variation. Again, I feel this shows a lack of consideration for residents.

It seems that the pub now advertises itself as a sports bar and offers a lot of deals on cheap alcohol. It has become less of a restaurant, and now more of a bar. This has begun to attract clientele that are loud and rowdy and have no regard for their

surroundings. They arrive late at night in taxis which block up our road, they enter and leave the taxis nosily, and generally cause disturbance. The shouting and rowdy behavior is concerning and frightening. Families on this street have young children and pets, and there are many elderly residents too. I believe The Hayloft is bringing the area down with their current practices, and I do not see this kind of behavior modelled by other pubs in Eastwood/Moorgreen that are situated so close to residential areas.

No consultation was carried out with residents prior to applying for this variation. When challenged on social media, the pub informed us that they were extending their hours to ease the pressure on local services and create a more gradual end to the night. They have since arranged a community meeting, but it has taken many residents complaining on social media for this to happen. If the aim of the extension was really to ease local pressure, why wasn't the community initially consulted? Additionally, the pub has encouraged non-residents on social media to support the proposed variation. This seems like incitive and unprofessional behaviour. Again, it shows a disregard for residents.

I am unable to have my windows open at weekends without the noise levels being intrusive. I can also hear the music/shouting with my windows closed. I now fear I will have difficulty selling my property, and may receive below market value for it, due to the reputation the pub now has.

To summarise, I do not wish for the pub to be granted the proposed variation. Additionally, I wish for their actions in line with their current license to be considered and reviewed. I have opened a second noise complaint with environmental health and intend to take this as far as possible.

Prevention of Crime and Disorder

The pub promoting big event weekends, with lengthened hours and cheap alcohol has brought down the local area over the last year. It attracts clientele that are rowdy and loud. The pub provides an environment that encourages excessive drinking which regularly spills out into the surrounding streets.

Public Safety

Residents are having to deal with individuals that would not ordinarily visit the area. These individuals become excessively drunk and spend hours in what is a club-like environment, only to then be let out into neighboring streets. Many of them are loud and aggressive to others around them. This creates a volatile situation which could easily become violent.

Prevention of Public Nuisance

The presence of active noise complaints lodged against the pub currently would indicate that they are behaving in an anti-social manner. Extending their hours would only serve to increase the animosity. If noise levels do not decrease, and if the pub continues to provide an environment that creates volatile clientele, public nuisance

issues will continue. I would like to see the pub take steps to act more considerately within the bounds of their current license, before looking to pursue variations. The noise levels directly prevent me from sleeping and interrupt my evenings. This already constitutes a public nuisance.

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

X

Please tick this box if you do not intend to attend or be represented at any hearing.

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed: E Ward (electronically signed)

PRINT NAME: ELIZABETH WARD Date: 10 May 2024

-----Original Message-----

From: Alan Pynegar

Sent: 01 May 2024 10:08

To: Licensing <licensing@broxtowe.gov.uk>

Subject: Extended hours at hayloft pub giltbrook

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it concerns,

I have been notified that the Hayloft pub in Giltbrook are requesting new extended hours on a Friday Saturday and bank holiday Sundays.

It is Greene king brewery asking for this request.

As a resident nearby, I am opposed tot this request, it will cause disruption to the surrounding areas, and will disrupt the peace.

With living in a village.

Kind regards

Alan Pynegar

435 Nottingham road Giltbrook NG16 2GB

Sent from my iPad

Anon resident 1

I would like to object to the application to extend opening hours and terms of licence at the Hayloft Pub Giltbrook.

I object for a number of reasons:

1 - Since the recent changes to opening hours at Easter Weekend we have had to ring the pub on multiple separate occasions to ask them to deal with noisy customers outside the pub and deal with the noise in the pub or garden. These examples and others I have noted below:

Easter weekend Sunday 31st 1.30 am had to ring pub as people outside drinking and shouting

5th - had to ring at 2am due to people shouting outside

6th - shouting and people drinking/smoking outside front door after 11. Very noisy at 12am

12th evening, shouting and screaming from. People leaving at 0.45am

Friday 19th and Saturday 20th shouting at closing time

4th may. Music till 1.30am ish. Windows open

We have probably had to call the pub 30+ times in the last 2 years to ask them to turn the music down or deal with people in the garden after 11pm or people at the front of the pub, which when the management are commenting on social media that they have only had a handful of complaints for noise is a blatant lie. We are one of only a number of neighbours that we know of who have rung to complain about the noise. The pub currently is a nuisance, is not controlled by the management team and this extension will only make it worse.

2 - the customer group they are now attracting are rowdy and by extending the opening hours this will give more time for drinking which given the offers the pub is pushing seems to be their goal. The shouting, swearing, arguing that we are suffering as they leave the pub as well as scuffles we witness on the drive or on the street are not acceptable. We have had an instance of someone banging on our front door covered in blood when the current management took over which we reported at the time. We have had broken glass on the pavement outside the pub and on the pavement outside our home, we have to be careful with our daughter walking on the pavement and I'm sure dog owners have to too. This is developing into a safety issue and the extension of the hours will see this as a regular occurrence. The management fail to deal with this now and so it will only get worse.

3 - my daughter sleeps at the front of the house and we have had instances of her being woken by the noise in the last few weeks. Last summer we were unable to have her windows open due to the noise or our bedroom windows at the front which is not comfortable on a hot summer night.

In addition to all of the above the management of the pub claim to be a community pub but the change in marketing, clientele they are seeking to attract and lack of engagement with the local community at all is evidence that this is not the case. The Queens Head in Kimberley is similar example to this pub in less of a built-up area where an extension to opening hours was disastrous and I have no doubt that this will be the case too.

I implore you to reject this application for the good, health and wellbeing of the local community.

22 MAY 2008

EMAILED/REFERRER
INITIALS:



**Broxtowe
Borough
COUNCIL**

Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3496
Email: licensing@broxtowe.gov.uk

Licensing Act 2003
Form of Representation by an Interested Party

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

Representations Privacy Notice

In the interests of fairness, your name and address will be disclosed to the applicant and will be included or summarised in the report to the Licensing Sub-Committee.

These details can also be viewed publicly on our website as they will form part of the application review.

You must specifically tell us if you do not wish your name and address to appear in the report to the Licensing Sub-Committee, which is a public document. We have to formally agree in writing that your name and address is to be withheld, and this can only be for exceptional reasons.

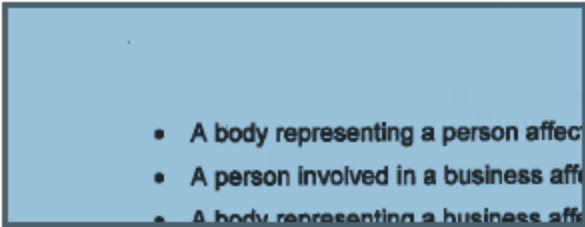
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Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament or a local ward or parish councillor who can all act in such a capacity.

Please indicate in which capacity you are making this representation by ticking a box below:

- A person affected by the premises





- A body representing a person affected by the premises
- A person involved in a business affected by the premises
- A body representing a business affected by the premises

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	MARILYN WAGNER
Address:	3 BAICER ROAD GILTBRIDGE, NOTTS
Postcode:	NG16 2FZ
Tel:	[REDACTED]
Email:	[REDACTED]

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
Address:	
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Greene King, Hayloft Pub
Address of Premises:	Hayloft Pub, Nottingham Rd, Gullmole
Application Details:	notice of application to vary licensing hours (extension)

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

I object to this application on the grounds of noise pollution and anti social behaviour and how this will affect myself and other residents.

my house is 12/14ft from the premises car park and I constantly have to listen to Van + Car doors closing till late at night.

I suffer with sleep deprivation due to the increased noise levels of the music. The booming sound of the repetitive bass is relentless. Trying to watch TV in my own home is becoming increasingly difficult.

The pub is in a very close residential area and increasing the hours will put more and more anti social behaviour on residents.

Please continue on separate sheet if necessary

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please tick this box if you do not intend to attend or be represented at any hearing.

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Sign 

PRINT NAME: M. WAGNER

Date: 18.5.2024

Please return this form to the following address:

To whom it may concern.

We are writing to you today to voice our concerns on the proposed opening hours of the Hayloft pub of Nottingham Road, Giltbrook, NG16 2GB.

It has come to our attention (via letter from a concerned neighbour ourselves and other neighbours in the area) that the Hayloft wishes to extend its opening hours to 2 am. The letter also states there will be a proposed outside bar area in the near future. We are residents very close to the hayloft and have already had a few issues with noise lasting until the early hours on other occasions so for it to be even longer than that for live events and bank holidays etc is unacceptable. We have a young baby at home that has also been woken by the noise from hayloft in the past. These were one off occasions around Christmas and new year so we were understanding with these. However when it becomes regular and even later it makes a nice quiet and friendly area disruptive and unappealing. Not to mention the affect on the value of our properties in the future.

We sincerely hope you take into account our communities concerns when considering these applications.

Thank you for your time and we look forward to hearing from you.

Regards,

David and Jenny House

44 Kent Road

Giltbrook

Nottingham

NG16 2FU

Dear Sirs,

I write as a resident of Baker Road, Giltbrook.

I object to the proposal by Greene King for a variation of the licence at The Hayloft.

I will address the following areas;

a) the prevention of crime and disorder and b) public safety:

1. The Hayloft is located in a residential area with houses surrounding and opposite the premises. It is 1.3 miles from Eastwood St Mary's, 1.3 miles from Kimberley and 1 mile from Awsworth. These three areas are identified in the Broxtowe Borough Council Statement of licensing Policy 2024 section 4.7 as having 'higher levels of harm' associated with alcohol intake. On Sunday 28th April 2024 a man was arrested for causing grievous bodily harm with intent in a pub in Eastwood, less than 1.1/2 miles away. Keeping The Hayloft open until 2.00 am on a Friday and Saturday night increases the risk of further alcohol related incidents and is a risk to public safety.

2 The Rainbow 1 is the only public transport on a Friday and Saturday night, and on those nights after midnight from Nottingham travels only in the direction of Ripley, therefore only people living in that direction will have access to public transport. Again Eastwood is on the route and is identified as an area with higher levels of harm, associated with alcohol. (Section 4.7 of the Broxtowe Borough Council Statement of Policy) This would then alter the pub from being a local pub to a destination use pub, with people travelling to and from, at anti-social hours which would naturally cause further [disruption.in](#) a primary residential location.

c) To prevent public nuisance

The Hayloft are suggesting that there will be an outside bar. in section 7.23 the Broxtowe Borough Council suggests that outside areas can cause 'increased nuisance and disorder for residents. In fact in section 7.6 the Policy states that Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. An outside bar operating at unsocial hours would almost certainly produce unacceptable noise levels which would contravene the statement of policy.

2. Will regard be given by the Council and provision made to put in mechanisms for addressing litter (broken glass), CCTV (to record any incidents that may or may not occur) the provision locally of Public Conveniences (for those leaving late at night) as mentioned in the Broxtowe Borough Council Policy section 7.2

3. Coming and going into the premises.

The Landlord has stated that there will be no further admissions after midnight. This gives the opportunity for those leaving the other pubs locally to arrive at The Hayloft. As the Hayloft is situated between Kimberley and Eastwood this could be an area of conflict, so I wondered what mechanisms the Landlord has in place to mitigate this? Oliver's Bar and Kitchen in Eastwood Town operates until 2 am employs security staff.

Further to this point, The Hayloft currently has 3 entrance/exits. What mechanisms does the Landlord have in place to address the late night admissions in all three areas? (With reference to section 7.2 of the Broxtow Borough Council policy)

d) To protect children from harm.

The Hayloft is a family friendly pub. It definitely attracts a vibrant younger crowd at the weekend. A late venue in a residential area would bring in a younger crowd, what mechanisms would be in place to ensure the safety of younger, vulnerable people coming into the pub?

Further to this point, young families live within the residential area surrounding The Hayloft and would not welcome the disruption of a young vibrant crowd at unsocial hours.

Further to this point, young people and women leaving the pub at unsocial hours are more at risk in an area that has little CCTV. What mechanism would be in place to mitigate this?

It is not my wish to see a local business fail. Indeed, it is the opposite, I wish to see The Hayloft succeed and thrive, which it is clearly already doing. Unfortunately there has been no consultation on behalf of the Hayloft with local residents. A late license would be appropriate for a town or a city where there are good transport links, increased police presence and CCTV, but this is a quiet residential area and is not appropriate for a late license.

Kind regards

Lydia Leaf
20 Baker Road, Giltbrook

Dear Sir or Madam

I refer to the application by Greene King Brewery in respect of the Hayloft, Giltbrook Nottingham for a variation to the premises licence under the Licensing Act 2003.

I wish to strongly object to this application on the grounds of public nuisance. These premises are surrounded by residential dwellings on all sides which includes a nursing home almost opposite. Since the installation of the outdoor covered area and the large screen television we have experienced a substantial increase in the noise level both from the patrons and the volume of the television. We have on several occasions had to request the volume is turned down as often there is no one outside watching it.

On Friday nights there is a live act performing until 11.00pm. This can usually be heard from the inside of the rear of my house and can be heard over our own television. On Saturday nights there is a karaoke/disco which does not cease until midnight or later. On Bank Holiday weekends this can go beyond 1.00am. I have spoken to local residents in close proximity to the Hayloft who like myself and my wife lay in bed waiting for the music to stop so they and their children can get to sleep. We on most occasions can clearly hear the words of the songs (especially several badly sung renditions of Wonderwall!)

It is a condition of the licence to keep all windows and doors closed after 11pm when entertainment is provided. Occasionally in warm weather the windows and doors are left open which increases the noise level dramatically. We are unable to leave our own windows open in the evening because of the noise.

When we have phoned to complain, the music is occasionally turned down slightly but the next week is as loud as before. If this variation to the licence is granted we can expect patrons from surrounding areas e.g. Eastwood and Kimberley to come to our village of Giltbrook in order to continue drinking when other pubs may be closing earlier.

There is also a proposal to keep the premises open for an additional 30 minutes following the end of these extended hours. On Friday, Saturdays and any Sunday prior to a Bank Holiday this would mean customers leaving the pub past 2.30am. This would potentially increase the noise level to the residents.

There is also an application to permit the sale of alcohol to include the external and garden areas of the premises which will only add to the noise level and will make it difficult for the staff to make every effort to clear the garden by 11pm as per the conditions of the licence.

We appreciate that in 23 years of living near a pub, we have experienced a certain amount of noise which is short lived. Previously we have had a good relationship with managers from this pub but noise level has never been as bad as it is now. As has been pointed out we already experience noise and disruption every weekend under the

current licensing hours. To extend these hours would exacerbate the situation and would adversely affect the quality of life of the local residents.

The Hayloft promotes itself as a Community pub on social media but has not taken into account the views and opinions of the local community.

J Whitmore
462 Nottingham Road
Giltbrook
Nottingham
NG16 2GE

Sent from my iPad

Teresa Jane Wood
The Giltbrook Cob Shop
470 Nottingham Road
Giltbrook
Nottingham
NG16 2GE

RE: Extended Hours At The Hayloft

Dear Sir/Madam,

We are writing in regards to the public notice displayed requesting a proposal of extended hours at The Hayloft Public House situated in Giltbrook, Nottingham.

Please bear with me as I am trying to fill you in with how strong of an history I have at Giltbrook, some things might not make sense, but I'll try my best.

We have lived at our property across the road from The Hayloft for 38 coming up to 39 years now as a family, unfortunately I lost my husband 3 years ago, so as you can imagine (and most wouldn't understand) our lives have changed a lot for the worst.

I personally understand business as I worked along side my husband in many trades including the Public House Industry.

When we moved to Giltbrook we knew exactly what we were buying into, there was a Chip Shop across the road, a Post Office, Local Paper Shop and at the time a classy Public House known as The Hayloft (myself and my husband always admired its character), at this time the Hayloft was a standard house of locals having a drink in which over all the years we've been close as a community and knowing all the landlords like they were a part of the family over the whole nearly 4 decades.

There was always an understanding on operating times which didn't effect us too much, they would be open until 11:30pm, people would disperse, pop into the local chip shop and by 12:30am they would be gone and home, this was of course a reasonable time in our eyes and as you can imagine being

self employed and living at the same premises and open 6 days a week you can see this was reasonable to allow time to go to bed and sleep a reasonable amount of time.

As mentioned previously my husbands passing has took its tole on my mental and physical health and I already have a son that suffers with mental health issues, so hearing about changes that will effect our lives and our future has brought a huge burden over issues I'm unable to deal with at this time.

It was understood even from my late husbands perspective that The Hayloft was struggling and obviously Green King coming along and trying to revamp its potential is great, I can't disagree its nice to see it's been working out, but unfortunately its not always a nice scene for those of us that have to live around it.

I will try and break down issues in bullets:

- When Green King had its contractors working on the building there was of course planning permission proposed for the erection of a terrace area which was aimed solely from what I was told "An area for people to smoke", there was a lot of issues previously where people would smoke on the entrance steps, we liked this idea because having our front door facing the steps people would just stare at us in a threatening way (its a very uncomfortable feeling) so we thought it was a good proposition for us.

This was somehow changed to adding a large TV Screen and Seating, so now when there's sporting events (most of the year) public will sit there shouting at the screen and the volume is easily controlled by the public, so as you can imagine after a few drinks it gets rowdy over time.

- Then came the disco's, it was acceptable at first, it was understood people need something to look forward to at the weekend, but every week that went by it is getting louder and louder,

then it got worse when they added Karaoke on Saturday nights where you can hear the music as clear to the point of feeling like its in our own house, but what makes it even worse is the mic that the public users have is 4 times louder than the actual music, so it just sounds like someone is screaming for hours on end.

I will go back to around what I believe was 2005 when previous management was applying for a music licence due to restrictions on time limits (I believe was 9pm) and a lot of locals disagreed with this proposal even then due to them getting carried away with the volume, but working together there was a compromise made with everyone involved that they

would soundproof the building (ie. Windows would be double glazed or soundproof shutters) windows and doors would stay closed as well as a curfew of 11pm end to any music playing, this of course never happened and all the windows of The Hayloft building are still single glazed timber framed.

My point here is they are not equipped for these levels of music and cannot control what us local residents can hear and have to put up with, we live here and deserve some peace at a reasonable time in regard to the extension of making this go on longer.

- The proposal of extended hours:

Already we see issues even with regular hours, when the weekend starts we of course have a live singer or dj on a Friday, then Saturdays have to listen to the Karaoke, this pulls in a large crowd, mainly by the looks of it very young (literally teenagers), some you would even question their age group, once they've had a few drinks they come outside and get very very loud, screaming abuse at each other, leaving glasses all over the road, some of which are left outside my property with urine inside, sometimes smashing glasses, it's almost like watching a youth club. At the usual time the music whichever it will be will stop at 11:30pm and bit by bit in stages people start coming out, getting louder than the music we've all been listening to all night, then they'll be more and more, sometimes drunken friend fights (luckily nothing too serious...yet) which is enough to question whats going to happen next and if our property will be involved, especially with flying glass drinks bottles etc.

A majority wait for taxi's and Ubers, some of which will pull up outside my front door and then the revellers will then shout at their mates across the road, some will run up to their mates while in the car and bang on the windows.

A positive note to add to this is that it's pretty much clear and over by 1am, but that's with its current license.

Now imagine an extension to this, we'd be lucky to have everyone gone and noise reduction by 3am at best, maybe even 3:30am, that is just something not expected of a Public House, it's something for a club in a city centre, but at least a club has adequate sound proofing.

More beer consumption meaning people will also be more irate, I can't imagine it being calm with this instance and from what I've noted above that

could and probably will equate to, but this noise moves outside and there's no way the local people will be able to sleep.

It almost feels like the proposals cannot be trusted, especially after the "smoking terrace" was in my opinion a crafty way to turn it into an outside entertainment area and the way the music gets louder and louder in hopes that nobody complains.

When the new management took over on behalf of Green King they were always pushing that idea that this was a community space for locals and of course outsiders, something classy serving good food, but unfortunately there's been people on FaceBook voicing their concerns about the proposal and The Hayloft has responded in different ways from saying this is only going to be at certain times like bank holidays but I don't think they can be trusted and that's not saying its something we want anyway, its a Public House with already reasonably late operating times, not a club.

It was only the last bank holiday (Easter Weekend) when they closed their doors at 1:15am and it wasn't until after 2am that people finally left us with some peace, no idea how they was even allowed to stay open at this time, but the disco was going on until 12:30am, zero chance of an early night.

Unfortunately non of these proposals are acceptable for us and the locals I've spoke to, they get to go home at the end of the night/morning whereas we live here and all I can see coming from this is the fact that it will devalue our property and effect our well-being, not everybody wants to go to a disco, especially in our living rooms.

This is a residential area with families, nursing home and people that have to get up early the next day, I think as it stands we put up with enough at standard operating times and its not being unreasonable to point out our concerns and disagreements.

I apologise that this letter is long and would appreciate your time in reading and understanding how this effects us and others, if you have any questions or need any help understanding anything I've said please don't hesitate to contact my sons phone number listed above or email.

With Regards

Teresa Jane Wood



**Broxtowe
Borough
COUNCIL**

Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3496
Email: licensing@broxtowe.gov.uk

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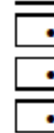
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Please indicate in which capacity you are making this representation by ticking a box below:

- A person affected by the premises



- A body representing a person affected by the premises
- A person involved in a business affected by the premises
- A body representing a business affected by the premises



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- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

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In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	Steven Matthews
Address:	14 Baker Road, Iltbrook, Nottingham
Postcode:	NG162GA
Tel:	[REDACTED]
Email:	[REDACTED]

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
Address:	
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Hayloft
Address of Premises:	Nottingham Road, Giltbrook, Nottingham. NG16 "GB
Application Details:	to Extend the sale of alcohol, recorded music, and late night refreshment until 2.am

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

I have Just noticed that the Hayloft Public House has put an application in to extend there opening hours, play music and sell alcohol later.
I have lived on Baker Road for over 40 years and has nearly always been a quiet village with the odd occasion where noise from the hayloft. The Hayloft is surrounded by residential properties and some with young families, so why would we want more noise and later opening hours, as I said before this is a village and I would like to keep it that way, I would like to be able to sit in my garden in a evening and not hear music playing every weekend, if people want that type of pub to go to there are plenty in nottingham

Please continue on separate sheet if necessary

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Please tick this box if you do not intend to attend or be represented at any hearing.

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed:
S MATTHEWS

PRINT NAME:.....

Date: 12/05/2024

Please return this form to the following address:

**Broxtowe Borough Council
Licensing Department Public Protection
Chief Executive's Directorate
Council Offices
Foster Avenue
Beeston
Nottinghamshire
NG9 1AB**

Telephone 0115 917 3496

PRIVACY NOTICE

Broxtowe Borough Council collects personal information when you contact us for any services we provide. We will use this information to provide these services. We may need to share your information with service providers and other departments within Broxtowe Borough Council to ensure that you receive the best possible service. If so, this will be made clear in our privacy notice. We will not share your information with third parties for marketing purposes or any other reason unless required to do so by law.

For more information explaining how we protect and use your information please see our privacy policy at <https://www.broxtowe.gov.uk/about-the-council/communications-web-social-media/legal-privacy/>



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COUNCIL**

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- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

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In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	SIMON HAWKSWORTH
Address:	433 NOTTINGHAM ROAD .GILTBROOK.NOTTINGHAM
Postcode:	NG16 2GB
Tel:	
Email:	

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
Address:	

Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	HAYLOFT GREENE KING
Address of Premises:	NOTTINGHAM ROAD GILTBROOK .NOTTINGHAM NG16 2GB
Application Details:	EXTENSION OF ALCOHOL SALES UNTIL 2AM AND OUTSIE BAR FOR SALE OF ALCOHOL

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

I wish to register an objection to the Hayloft extending its opening hours until 2am on weekends and to build a bar outside to sell alcohol.

I live at a property approximately 75 -100 yards from the Hayloft Beer Garden on the same side of the road. There is already a disruptive amount of noise from chatter, raised voices and shouting from the public gathered in the beer garden on any evening of decent weather and this is substantially louder late at night and at weekends as the clientele consume more alcohol . It is already not possible to have windows open on Friday and Saturday evenings due to noise .

Local residents already have to contend with loud music,crowd noise and public nuisance .

On a regular basis there is drunken screaming, football chanting, litter discarded in gardens and property damage caused due to alcohol consumption and intoxication as Hayloft customers they make their way home.

I have had my mini stone feature in my front garden destroyed TWICE in the early hours of weekend mornings .

Consumption of alcohol often leads to impaired judgement, increased aggression,

reduced inhibition , anti social behavior, substance abuse and poor choices .
Any extension of the opening hours of the Hayloft can only increase negative effects on local residents and the community in Greene Kings pursuit of profit .There can be no positive extending the serving hours, drinking up time or allowing an outside serving facility.

Please continue on separate sheet if necessary

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

x

Please tick this box if you do not intend to attend or be represented at any hearing.

x

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed: completed on laptop electronically -no
printer.....

PRINTNAME:.....Simon
Hawksworth.....

Date:
17/05/2024.....

Dear Sir/madam

I am writing to object to the planning application to extend the opening hours of the Hayloft public house on Nottingham Road Giltbrook.

Living opposite the Hayloft, the extension of hours till 2am is not fair on the people living in the immediate area.

The noise levels are already too much as not everyone works a normal 9-5 job.

The extension of hours will only increase the amount of noise, empty bottles being left on the road and the amount of already drunk people getting of the bus (right outside) to finish their night off..

Yours sincerely

Phil Lamb

452 nottingham Rd, Giltbrook, Nottingham NG16 2GE, UK

To whom it may concern

I would like to register my concerns for the above variation to the licence on the grounds of Public Nuisance and the Prevention of Crime and Disorder.

We are neighbours of the pub. The back fence of the pub carpark runs the length of our back garden. Two of our bedrooms also overlook the pub carpark. Therefore activity from the pub and carpark have an impact on our property and us personally.

Living near a pub means there is inevitably some noise when the pub closes at midnight so an extension until 2:30am will just move this noise to then. Our house is mostly affected by activity in the carpark. During the day some cars come and go playing loud music, screeching of tyres, revving of engines etc. This is more troublesome at closing time normally, so if closing time were to be 2:30am it would affect our sleep more.

Over the 20 years we have lived here, glasses and bottles have been thrown over the fence into our garden. Luckily none have ever hit any of our family but some have broken on impact. This does seem to have happened more often over the last couple of years and seems to happen at night. This may become more frequent if the hours are extended.

There is inevitably noise from the pub particularly when the doors or windows are opened. If there is to be music playing and karaoke singing along with the extended drinking until 2:30am at weekends then I am concerned it will affect our sleep. Some customers who park on our road currently make a lot of noise on returning to their cars and leaving. I am worried this will happen now in the early hours of the morning.

Another concern is the increased likelihood for trouble and potential need for a police presence. By staying open later than other pubs in the area, there may be an increased risk of attracting drinkers leaving other premises to come to the Hayloft by midnight to carry on. There is an increased risk of antisocial behaviour and flashpoints at the closing of doors to new customers at midnight and at leaving time 2:30am. I have chosen to buy a house near a pub and know there will be advantages and disadvantages to this. However, the increased opening hours with music will make the pub more like a nightclub.

The Hayloft is a social hub for our community. It is well thought of as a place for clubs to meet during the day, families to eat, somewhere to enjoy watching sport together or socialise with music of an evening. I don't feel it is in the right place for drinking and music until 2:30 in the morning every weekend.

I do not want the current opening hours of the pub to be extended.

Yours faithfully

Melanie Weston
9 Baker Road
Giltbrook, Nottingham, NG16 2FZ



**Broxtowe
Borough
COUNCIL**

**Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3496
Email: licensing@broxtowe.gov.uk**

**Licensing Act 2003
Form of Representation by an Interested Party**

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

Representations Privacy Notice

In the interests of fairness, your name and address will be disclosed to the applicant and will be included or summarised in the report to the Licensing Sub-Committee.

These details can also be viewed publicly on our website as they will form part of the application review.

You must specifically tell us if you do not wish your name and address to appear in the report to the Licensing Sub-Committee, which is a public document. We have to formally agree in writing that your name and address is to be withheld, and this can only be for exceptional reasons.

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament or a

local ward or parish councillor who can all act in such a capacity.

Please indicate in which capacity you are making this representation by ticking a box below:

- A person affected by the premises
- A body representing a person affected by the premises
- A person involved in a business affected by the premises
- A body representing a business affected by the premises

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	Mr Tim Britton
Address:	1 Church Mews, Baker Road, Giltbrook
Postcode:	NG16 2GA
Tel:	
Email:	

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
-------	--

Address:	
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Greene King
Address of Premises:	The Hayloft Pub, Nottingham Road, Giltbrook
Application Details:	Extension of licensing hours from 12 midnight to 2.30am

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

I wish to object to the application for an extension to the licensing hours due to several factors.

1 Noise Pollution – the current noise we hear from the Hayloft is extremely loud, so much so the sound carries into the house, and you can hear the thumping noise of the music continuously.

2 Anti-Social behaviour – when they extended the licensing hours several years ago, it caused extreme ASB this went on for a long time until the pub went back to its current hours.

There is also the factor of cars leaving the premises, car doors shutting, taxis outside waiting for people. People are not going to be quiet, and the sound carries further in the still of the night. Moving the closing time further to the early hours of the morning just moves the timeline along. You cannot assume that people will leave at different times, it's more than likely people will all leave when it's the final closing time.

You will have people rushing to get to the Hayloft knowing if you are there before the doors close at 12 midnight you can stay until after 2am.

3 Environmental Health - It's a very quiet residential area and this is a family/community pub so there is no need to change the hours to a later time when people are sleeping. This will affect small children, people who need to get up early for work on the weekend. It's just not workable. This will cause potential health issues with sleep deprivation, anxiety and stress.

4 There is currently ASB and crime issues in Eastwood. Fighting and incidents happening leaving the premises. This is happening and it's in the town centre not outside residential houses – this is what residents are concerned will happen here

Outside the Hayloft extending into the surrounding streets.

Please continue on separate sheet if necessary

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x

Please tick this box if you do not intend to attend or be represented at any hearing.

x

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed: T J Britton

PRINT NAME: Tim Britton

Date: 22nd May 2024

Anon resident 2

To whom it may concern.

I am writing to oppose any extended opening hours at the hayloft public house.

Living over the road for the Hayloft it has been unbearable over the last 2 years with noise pollution, anti social behaviour and the danger to the road with taxis double parking, blocking driveways, noise pollution from passing traffic pipping horns. These a to name a few issues we have.

I have had pint pots in my front garden as well as patrons from the pub congregating on my driveway as the pub closes.

The pub garden still has people after 11pm with the lights on. It is very rare an attempt to clear the garden is made, windows close or music is turned down.

What was once a nice village pub has turned into a place for (I will not give you my thoughts at this point).

If you would like any further information from me please email or contact.

Dear Nicola

As County Councillor for Greasley and Brinsley and a borough councillor, I have received complaints from residents near The Hayloft public house in Giltbrook regarding the license application for extended opening hours.

I wish to object to the proposed extension to licensing hours as it will cause more disturbance from noise than is already happening. Residents report loud music lasting until midnight on a Friday and Saturday. A couple of residents have asked the landlord to turn the music down, which they have done but the following night/ weekend, noise levels are back up to intolerable noise levels. This is causing lack of sleep and upset to residents. To increase the hours of trading to 2.30am on a Friday and Saturday would mean residents being kept awake till past this time, which is totally unacceptable. Not only noise from music but from people leaving the pub at 2.30am. This pub is in the middle of a residential area so should not be allowed to open to this time.

It has also been brought to my attention that there is under age drinking happening regularly in this establishment as a family in this constituency have made me aware of issues they have been facing with their young ones.

Kind regards
Liz

7 St James Drive, Brinsley, Nottingham, NG16 5DB.

Glen Weston
9 Baker Road
Giltbrook
NG16 2FZ

Representation regarding the following application:

Applicant: Green King Brewing and Retailing Ltd.

Address of premises: The Hayloft, Nottingham Road, Giltbrook, Nottingham, NG16 2GB

Application Details: Variation of premises licence of Hayloft Pub

Dear Licensing Department, Broxtowe Borough Council

I wish to make representation of my opposition to the proposed licence extension for the Hayloft Pub in Giltbrook on the grounds of:

i - Prevention of Public Nuisance

ii - The Prevention of Crime and Disorder.

I feel that extending the sale of alcohol to 02.00hrs on Friday and Saturday nights with a closing time of 02.30hrs would have a strong negative impact on the quality of life for the people living in the surrounding area. The pub is situated within a residential area which is home to a wide ranging population including young families and older people. Many people in the area, like myself, work in health and social services, covering 24hr shift patterns including weekends and bank holidays. I accept that living next to a pub will inevitably result in some noise disturbance during normal pub opening hours and am pleased that the current landlord of the pub has turned the establishment into a thriving business. However I feel strongly that selling alcohol until 02.00hrs at weekends will change the character of both the pub and the surrounding area. Our house overlooks the pub car park and we currently experience increased noise and disturbance at closing time. Increasingly we have had glasses, bottles and other rubbish such as left-over take away food thrown over the fence into our garden. I fear that extending the closing time to 02.30 would make living next to the pub intolerable for us. I also anticipate that if The Hayloft becomes established as a late-night drinking venue then it will attract increased antisocial behaviour from surrounding areas. I urge you to reject this application and look forward to hearing your response.

Kind regards

Glen Weston

I would like to put my point of view across & object the new proposed licence at The Hayloft.

I am in very close proximity to the Hayloft and the main issue I have with one of the changes on the proposed licence is the music being played until 2am, this would cause me & my family much disturbance, with The Hayloft having previously played loud thumping music until early hours of the morning, it does cause a nuisance to my young children. I am not against them playing background music from 12am until 2am which wouldn't be heard from inside my home, but I am against a DJ playing loud thumping music until 2am. I would like to add that I am currently happy with the licence of 12am for DJ music. Then one of my concerns is how they are going to manage last entrants/customers entering at 12am, as i have been informed they will not be having door staff, so I am struggling to understand how they are planning to stop customers entering after 12am.

So I would like to suggest door staff should be hired as I feel like this could help with any issues that may arise with customers, especially entering & leaving the premises, which then may reduce the unwanted nuisance the customers can cause to myself & the local residents, especially when they leave the premises.

I would like to add, the beer garden being closed by 11pm is a suitable time and I wouldn't be against an outside bar in the far left hand corner to relieve the pressure on the indoor bar when the beer garden is busy, as this may also help in overseeing any issues that may arise in the beer garden, if there is staff outside managing the bar until 9:30pm/10:30pm. I really don't want to stand in the way of a growing business that has thrived & has done a brilliant job with The Hayloft in the last 2 years, however my only issue/objection is any DJ music being played until 2am, I would like that to stay as 12am & 1am on Bank Holidays.

Thank you for your time.

Justin Peake
464 Nottingham rd,
Giltbrook,
NG162GE

2. The licensing objectives

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 counter terrorist 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.

Maintenance and repair

2.17 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.18 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.19 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.20 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling

¹ S 177 of the 2003 Act now only applies to performances of dance

entertainment.

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.

Offences relating to the sale and supply of alcohol to children

- 2.38 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

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8. Applications for premises licences

Relevant licensing authority

- 8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.
- 8.2 Section 13 of the 2003 Act defines the parties holding important roles in the context of applications, inspection, monitoring and reviews of premises licences.

Authorised persons

- 8.3 The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police and immigration officers are not included because they are separately empowered by the 2003 Act to carry out their duties.
- 8.4 For all premises, the authorised persons include:
- officers of the licensing authority;
 - fire inspectors;
 - inspectors with responsibility in the licensing authority’s area for the enforcement of the Health and Safety at Work etc Act 1974;
 - officers of the local authority exercising environmental health functions
- 8.5 Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.
- 8.6 Where an immigration officer has reason to believe that any premises are being used for a licensable activity, the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the licensable activity.

Responsible authorities

- 8.7 The second group –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives. For all premises, responsible authorities include:
- the relevant licensing authority and any other licensing authority in whose area part of

the premises is situated;

- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England⁴ and Local Health Boards (in Wales);
- the local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

8.8 The licensing authority should indicate in its statement of licensing policy which body it recognises to be competent to advise it on the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or another competent body. This is important as applications for premises licences have to be copied to the responsible authorities in order for them to make any representations they think are relevant.

8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.

8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make "nil" returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.

8.11 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.

⁴ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

- 8.12 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government's legislation website: www.legislation.gov.uk.

Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.
- 8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Who can apply for a premises licence?

- 8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.
- 8.16 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.
- 8.17 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(1)(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. Where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in accountability.
- 8.18 A public house may be owned, or a tenancy held, jointly by a husband and wife, civil partners or other partnerships of a similar nature, and both may be actively involved in carrying on the licensable activities. In these cases, it is entirely possible for the husband and wife or the partners to apply jointly as applicant for the premises licence, even if they are not formally partners in business terms. This is unlikely to lead to the same issues of clouded accountability that could arise where two separate businesses

apply jointly for the licence. If the application is granted, the premises licence would identify the holder as comprising both names and any subsequent applications, for example for a variation of the licence, would need to be made jointly.

- 8.19 A wide range of other individuals and bodies set out in section 16 of the 2003 Act may apply for premises licences. They include, for example, Government Departments, local authorities, hospitals, schools, charities or police forces. In addition to the bodies listed in section 16, the Secretary of State may prescribe by regulations other bodies that may apply and any such regulations are published on the Government's legislation website. There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.

Application forms

- 8.20 The Provision of Services Regulations 2009 require local authorities to ensure that all procedures relating to access to, or the exercise of, a service activity may be easily completed, at a distance and by electronic means. Electronic application facilities for premises licences may be found either on GOV.UK or the licensing authority's own website. It remains acceptable to make an application in writing.

Electronic applications

- 8.21 Applicants may apply using the licence application forms available on GOV.UK, or will be re-directed from GOV.UK to the licensing authority's own electronic facility if one is available. Applicants may also apply directly to the licensing authority's facility without going through GOV.UK.

Electronic applications using forms on gov.uk

- 8.22 GOV.UK will send a notification to the licensing authority when a completed application form is available for it to download from GOV.UK. This is the day that the application is taken to be 'given' to the licensing authority, even if it is downloaded at a later stage, and the application must be advertised from the day after that day (as for a written application). The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.
- 8.23 The period of 28 consecutive days during which the application must be advertised on a notice outside the premises is, effectively, the statutory timescale by which the application must be determined (unless representations are made). This will be published on GOV.UK and must also be published on the licensing authority's own electronic facility if one exists. If no representations are made during this period, the licensing authority must notify the applicant as quickly as possible that the licence has been granted. The licensing authority must send the licence to the applicant as soon as possible after this, but the applicant may start the licensed activity as soon as they have been notified that the application is granted (subject to compliance with the conditions of the licence). The licence may be supplied in electronic or written format as long as the applicant is aware which document constitutes 'the licence'. If representations are made, the guidance in Chapter 9 applies.

Requirement to copy application to responsible authorities

- 8.24 The licensing authority must copy electronic applications, made via GOV.UK or its own facility, to responsible authorities no later than the first working day after the application

is given. However, if an applicant submits any part of their application in writing, the applicant will remain responsible for copying it to responsible authorities.

Applications via the local authority electronic application facility

8.25 Where applications are made on the licensing authority's own electronic facility, the application will be taken to be 'given' when the applicant has submitted a complete application form and paid the fee. The application is given at the point at which it becomes accessible to the authority by means of the facility. The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.

'Holding' and 'deferring' electronic applications

8.26 The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority's possession. However, if this is not the case and required information is missing or incorrect, the licensing authority may 'hold' the application until the applicant has supplied all the required information. This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete. Licensing authorities must ensure that they notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.

8.27 If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. It is therefore recommended that, if a licensing authority holds an application, it should inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. The licensing authority should also advise the applicant that they should not advertise the application in a local newspaper until they have received confirmation from the licensing authority that the application includes all the required information. To ensure clarity for applicants, the Government recommends that licensing authorities include similar advice on their electronic application facilities (where these exist) to ensure that applicants do not incur any unnecessary costs.

8.28 If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.

8.29 Licensing authorities may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the licensing authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing. Licensing authorities must ensure that applicants are informed as quickly as possible of a decision to defer, and the reasons for the deferral, before the original 28 days has expired.

Written applications

8.30 A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities. For example, it would not be appropriate to send an application for premises

which was not a vessel to the Maritime and Coastguard Agency. The application must be accompanied by:

- the required fee (details of fees may be viewed on the GOV.UK website);
- an operating schedule (see below);
- a plan of the premises in a prescribed form; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS).

8.31 If the application is being made by an individual it should be accompanied by acceptable evidence of entitlement to work in the UK (this includes where the application is submitted electronically), as set out in the application form ([see paragraph 4.9](#))

8.32 If the application is being made in respect of a community premises, it may be accompanied by the form of application to apply the alternative licence condition.

8.33 Guidance on completing premises licence, club premises certificate and minor variation forms can be found on the GOV.UK website. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 contain provision about the prescribed form of applications, operating schedules and plans and are published on the legislation.gov.uk website.

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.

Entitlement to work in the UK

- 8.38 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. Licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.
- 8.39 An applicant may demonstrate their right to work either by submitting documentation, or by an online right to work check. The documents which may be relied on in support of an application demonstrating an entitlement to work in the UK are the same as for personal licence applicants see paragraph 4.9. Alternatively, as for personal licences, applicants may demonstrate their right to work digitally by providing their share code and date of birth to enable the licensing authority to carry out a check with the Home Office online right to work checking service (available on GOV.UK: <https://www.gov.uk/view-right-to-work>) – see paragraph 4.10. Where there is sufficient evidence that the applicant is not resident in the UK there is no requirement that the applicant has an entitlement to work in the UK. See paragraphs 4.21 to 4.48 in relation to entitlement to work in the UK for EEA citizens from 1 July 2021.
- 8.40 Where an applicant's permission to work in the UK is time-limited the licensing authority may issue a premises licence for an indefinite period, but the licence will become invalid when the immigration permission expires. The individual's entitlement to work in the UK may be extended or made permanent by the Home Office, and granting the licence for an indefinite period prevents the licensee from having to re-apply for a new licence. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as a curtailment or revocation), any licence issued on or after 6 April 2017 which authorises the sale of alcohol or provision of late night refreshment will automatically lapse. As with personal licences, the licensing authority is under no duty to carry out on going immigration checks to see whether a licence holder's permission to be in the UK has been brought to an end. For further details on entitlement to work see [paragraphs 4.8 to 4.48](#).

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.

Variations

Introduction

- 8.50 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out above.

Simplified processes

- 8.51 There are simplified processes for making applications, or notifying changes, in the following cases:
- a change of the name or address of someone named in the licence (section 33);
 - an application to vary the licence to specify a new individual as the designated premises supervisor (DPS) (section 37);
 - a request to be removed as the designated premises supervisor (section 41);
 - an application by a licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in sections 19(2) and 19(3) of the 2003 Act concerning the supervision of alcohol sales by a personal licence holder and the need for a DPS who holds a personal licence (sections 25A and 41D); and
 - an application for minor variation of a premises licence (sections 41A to 41C) or club premises certificate (sections 86A to 86C).
- 8.52 If an application to specify a new DPS or to remove the mandatory conditions concerning the supervision of alcohol sales is made electronically via GOV.UK or the licensing authority's own electronic facility, the authority must notify the police no later than the first working day after the application is given.
- 8.53 Where a simplified process requires the applicant (if they are not also the personal licence holder) to copy the application to the licence holder for information, this will apply regardless of whether the application is made in writing or electronically.

Otherwise the general guidance set out above (paragraphs 8.21 to 8.29) on electronic applications applies.

Minor variations process

- 8.54 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified ‘minor variations’ process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.
- 8.55 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. It is recommended that decisions on minor variations should be delegated to licensing officers.
- 8.56 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. The application is unlikely to be relevant to all responsible authorities.
- 8.57 The licensing authority must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives; representations must be confined to the subject matter of the variation. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.
- 8.58 Other persons have ten working days from the ‘initial day’, that is to say, the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.
- 8.59 If the licensing authority fails to respond to the applicant within 15 working days (see section 193 of the 2003 Act for the definition of working day), the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.
- 8.60 Where an application is refused and is then re-submitted through the full variation process, the full 28 day notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).

8.61 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

Changes to structure/layout

8.62 Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or
- impeding the effective operation of a noise reduction measure such as an acoustic lobby.

Licensable Activities

8.63 Licensing authorities will also need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives. This emphasises the importance of having an up-to-date copy of the premises plan available.

8.64 An application to remove a licensable activity should normally be approved as a minor variation. Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.

8.65 For other licensable activities, licensing authorities will need to consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.

Licensing hours

8.66 Variations to the following are excluded from the minor variations process and must be treated as full variations in all cases:

- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

8.67 Applications to reduce licensing hours for the sale or supply of alcohol or, in some cases, to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.

8.68 Applications to vary the time during which other licensable activities take place should be considered on a case-by-case basis with reference to the likely impact on the licensing objectives.

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.

Full variations process

8.74 Any other changes to the licence or certificate require an application to vary under sections 34 or 84 of the 2003 Act.

8.75 Licensing authorities may wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an

application to vary in relation to features which are not required to be shown on the plan under section 17 of the 2003 Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).

8.76 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:

- extend a time limited licence; vary substantially the premises to which the licence relates;
- transfer the licence from one holder to another; or
- transfer the licence from one premises to another.

8.77 If an applicant wishes to make these types of changes to the premises licence, the applicant should make a new premises licence application under section 17 of the 2003 Act; or, to transfer the licence to another holder, an application under section 42 of the 2003 Act.

Relaxation of opening hours for local, national and international occasions

8.78 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George’s or St. Patrick’s Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.

8.79 However, exceptional events of local, national or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a one-off local festival or a Royal Jubilee.

Advertising applications

8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government’s legislation website.

Applicants are required to:

- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
- display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position (or positions) immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.

- ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

8.81 It is the responsibility of the applicant for putting the notice up, however licensing authorities should consider where the signs should be placed and advise the applicant where appropriate, to ensure people will see them, in particular if an application is likely to be of interest to the public. As prescribed in regulations, licensing authorities must also place a notice on their website outlining key details of the application as set out in regulations, including:

- the name of the applicant or club;
- the postal address of the premises or club premises;
- the postal address and, where applicable, the internet address where the relevant licensing authority's register is kept and where and when the record of the application may be inspected;
- the date by which representations from responsible authorities or other persons should be received and how these representations should be made; and
- that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

8.82 The summary of the application should set out matters such as the proposed licensable activities and the proposed hours of opening and should be clearly displayed for the period during which representations may be made, together with information about where the details of the application may be viewed.

8.83 Licensing authorities in Wales should consider encouraging applicants to provide details in the alternative language (Welsh or English) to that of the main advertisement itself where the application may be viewed. Therefore, if an applicant publishes a notice in English they should be encouraged to provide a statement in Welsh as to where the application may be viewed, and vice versa. This would allow the reader of the notice to make enquiries to the licensing authority and find out the nature of the application.

8.84 Licensing authorities in Wales are also required to publish key information from licence applications in Welsh on their websites.

8.85 In the case of applications for premises licences involving internet or mail order sales, notices should be conspicuously displayed at the place where the alcohol is appropriated to the contract.

8.86 A vessel which is not permanently moored or berthed is treated as if it were a premises situated in a place where it is usually moored or berthed. The newspaper advertisement notice for such a vessel would need to be in relation to this place (where it is usually moored or berthed) and there is no provision requiring such advertising in other areas, for instance, if the vessel journeys through other licensing authority areas.

- 8.87 Arrangements should be put in place by the licensing authority for other parties to view a record of the application in the licensing register as described in Schedule 3 to the 2003 Act. Charges made for copies of the register should not exceed the cost of preparing such copies. Licensing authorities may wish to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed and include relevant and accurate information.

Applications to change the designated premises supervisors

- 8.88 Chapter 4 covers designated premises supervisors and applications to vary a premises licence covering sales of alcohol by specifying a new designated premises supervisor. Chapter 4 covers applications by community premises to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act concerning the authorisation of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence.

Provisional statements

- 8.89 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 8.90 The 2003 Act does not define the words “otherwise altered”, but the alteration must relate to the purpose of being used for one or more licensable activities.
- 8.91 Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule including details of:
- the activities to take place there;
 - the time at which such activities will take place;
 - the proposed hours of opening;
 - where the applicant wishes the licence to have effect for a limited period, that period;
 - the steps to be taken to promote the licensing objectives; and
 - where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.
- 8.92 In such cases, the licensing authority would include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information described above is not available.
- 8.93 The 2003 Act therefore provides for a person, if an individual aged 18 or over, who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations. “Person” in this context includes a business.
- 8.94 When a hearing is held, the licensing authority must decide whether, if the premises

were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as premises supervisor; or
- reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

8.95 The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.

8.96 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

8.97 Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.

8.98 A provisional statement may not be sought or given for a vessel, a vehicle or a moveable structure (see section 189 of the 2003 Act).

Transfers of premises licences

8.99 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general

guidance on electronic applications set out in paragraphs 8.21 to 8.29 applies.

- 8.100 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office (Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.
- 8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.
- 8.102 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

Interim authorities

- 8.103 The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly, becomes bankrupt, mentally incapable or ceases to be entitled to work in the UK. In the normal course of events, the licence would lapse in such circumstances. However, there may also be some time before, for example, the deceased person's estate can be dealt with or an administrative receiver appointed. This could have a damaging effect on those with interests in the premises, such as an owner, lessor or employees working at the premises in question; and could bring unnecessary disruption to customers' plans. The 2003 Act therefore provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances.
- 8.104 These circumstances arise only where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder or where the holder ceases to be entitled to work in the UK. In such circumstances, an "interim authority" notice may be given to the licensing authority within 28 consecutive days beginning the day after the licence lapsed. Where applications are made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. If an application is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the notice is

given.

- 8.105 An interim notice may only be given either by a person with a prescribed interest in the premises as set out in the regulations made under the 2003 Act (which may be viewed on www.legislation.gov.uk, the Government's legislation website); or by a person connected to the former holder of the licence (normally a personal representative of the former holder; or a person with power of attorney; or where someone has become insolvent, that person's insolvency practitioner). The person giving the interim authority notice must be entitled to work in the UK.
- 8.106 The effect of giving the notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence and thereby allow licensable activities to continue to take place pending a formal application for transfer. The maximum period for which an interim authority notice may have effect is three months.
- 8.107 The interim authority notice ceases to have effect unless, by the end of the initial period of 28 consecutive days, a copy of the notice has been given to the chief officer of police and the Home Office (Immigration Enforcement). Within two working days of receiving the copy, and if satisfied that in the exceptional circumstances of the case failure to cancel the interim authority would undermine the crime prevention objective, the police may give a notice to that effect to the licensing authority. Similarly, the Home Office (Immigration Enforcement) may give a notice to the licensing authority if satisfied that the exceptional circumstances of the case are such that failure to cancel the interim authority would undermine the prevention of illegal working in licensed premises. In such circumstances, the licensing authority must hold a hearing to consider the objection notice and cancel the interim authority notice if it decides that it is appropriate to do so for the promotion of the crime prevention objective.
- 8.108 Licensing authorities should be alert to the need to consider the objection quickly. Under section 50 of the 2003 Act, where the premises licence lapses (because of death, incapacity or insolvency of the holder or because the holder is no longer entitled to work in the UK) or by its surrender, but no interim authority notice has effect, a person who may apply for the grant of a premises licence under section 16(1) may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority. Where the application is made in writing, the person applying for the transfer must copy their application to the chief officer of police and the Home Office (Immigration Enforcement). If the application is made electronically the licensing authority must copy the application to the police and the Home Office (Immigration Enforcement).

Right of freeholders etc to be notified of licensing matters

- 8.109 A person (which will include a business or company) with a property interest in any premises situated in the licensing authority's area may give notice of their interest to the authority using a prescribed form and on payment of the relevant fee. The application may be made in writing or electronically via GOV.UK or the licensing authority's own facility, in which case the guidance at paragraphs 8.21 to 8.29 applies. Details of fees and forms are available on the GOV.UK website. It is entirely at the discretion of such persons whether they choose to register or not. It is not a legal requirement. Those who

may take advantage of this arrangement include the freeholder or leaseholder, a legal mortgagee in respect of the premises, a person in occupation of the premises or any other person prescribed by the Secretary of State.

- 8.110 The notice will have effect for 12 months but a new notice can be given every year. While the notice has effect, if any change relating to the premises concerned has been made to the licensing register (which the licensing authority has a duty to keep under section 8 of the 2003 Act), the licensing authority must notify the person who registered an interest of the matter to which the change relates. The person will also be notified of their right under section 8 to request a copy of the information contained in any entry in the register. In cases relating to interim authority notices (see above), it is important that such communications are dealt with promptly.

9. Determining applications

General

- 9.1 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.

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who may replicate some of the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), 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 (see paragraphs 9.4 to 9.10 below). 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.

Relevant, vexatious and frivolous representations

- 9.4 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 by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent 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 premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from a responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has published a cumulative impact assessment) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, an area which is the subject of a cumulative impact assessment). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

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 the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional 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.

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.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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 any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

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.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must

be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on

the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 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.
- 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.

The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play⁷ which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

⁷ See chapter 16 for when a performance of a play is licensable.

Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.
- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.⁸ This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.⁹ Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions relating to fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all,

⁸ In some circumstances, no licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 16.15-16.19

⁹ The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

licensing authorities should take their own legal advice.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated premises supervisor

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition requires the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex 1 of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

Drinking games

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Posters and flyers

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free potable water

10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies to the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Ban on sales of alcohol below the permitted price

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) 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.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the GOV.UK website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the GOV.UK website.

Exhibition of films

- 10.59 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 (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the

definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).
- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

- 10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

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2. LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

- 2.1 In exercising their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 2.2 Guidance on the Licensing Objectives is available on the Government's website at <https://www.gov.uk/alcohol-licensing>
- 2.3 Licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focussed on matters which are within the control of the individual licence holder and others.
- 2.4 The Act only covers certain "licensable activities" namely:
- (a) the sale by retail of alcohol
 - (b) the supply of alcohol by or on behalf of a club to a member
 - (c) the provision of "regulated entertainment" and
 - (d) the provision of late night refreshment
- 2.5 The definition of what constitutes "regulated entertainment" is complex and has been (and remains) the subject of Government deregulation. Whilst "regulated entertainment" potentially covers live or recorded music, dancing, plays, films, and certain types of sporting activity, the Act itself provides various exemptions and restrictions on the types of activities which are subject to licensing. Changes to entertainment legislation have removed the ability of the Licensing Authority to regulate live music at certain times and in certain circumstances. Deregulation initiatives have added further exemptions particularly where it

relates to entertainment taking place primarily between 8am and 11pm and where that entertainment takes place before an audience of a prescribed size. It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Licensing Authority will necessarily have the power to impose restrictions or conditions on such entertainment. Each activity is determined on its own circumstances and arrangements.

- 2.6 Where an activity is licensable, the promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from responsible authorities or other persons, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained, the application will normally be determined at a hearing before the Licensing Committee or one of its Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Authority. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The imposition of standardised conditions is prohibited as being disproportionate and burdensome. It should be noted, however, that the Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions can be obtained from the Licensing Team.

5. DELIVERING LICENSING SERVICES

- 5.1 The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the **Broxtowe Borough Council** web site, Liquor Licensing Policy or by contacting the Authority direct.
- 5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. This will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or parties.
- 5.3 Responsible Authorities are public bodies which must be fully notified of licence application and are entitled to:
- Make relevant representations
 - Request reviews
 - Make representations with regard to cumulative impacts

Details of Responsible Authorities can be found on the Council's website following the link for licensing or by contacting the Councils Licensing Team directly.

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

- 6.1 The procedure and documentation required for the various applications and notices are prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid. To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the licensing authority. Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being invalid/rejected.

- 6.2 The process of applying for new premises licences and full variations of current premises licences are dealt with in same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises. Substantial changes to premises should be dealt with by way of a new application
- 6.3 The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence. These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can resort to the full variation process.
- 6.4 All applicants are encouraged to submit on-line applications using the gov.uk website or by following the links on the Council's website.

Representations

- 6.5 Where the licensing authority receives an application for a new licence or a variation to an existing licence, the responsible authorities and any other persons have 28 days to make representations about the application. Representations can be positive as well as negative.

Guidance on making a representation is available from the Home Office and a preferred form is available on the Council's Licensing Policy web page for individuals or groups to make their representations.

- 6.6 Submissions of representations made via e-mail will be accepted so long as there is a clear indication of who has submitted the representation, it is clear and legible and details of how that person or group can be contacted.
- 6.7 For a representation to be relevant it should be positively tied or linked by a causal connection to particular premises. Representations received outside

the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

- 6.8 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.
- 6.9 Where a representation proceeds to a hearing, the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.
- 6.10 It is for the Licensing Authority to determine whether any representation by an interested party is, on its own merits, vexatious or frivolous. The Authority will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.
- 6.11 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the vicinity will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or

other activities in the area concerned.

Responsible Authorities

- 6.12 Although the licensing authority is a responsible authority in its own right, it expects other parties such as local residents, Councillors or community groups should make representations in their own right when they are reasonably able to do so rather than rely on the licensing authority to make representations for them.
- 6.13 The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not a licensing objective, but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that Public Health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data which has been used to create a matrix to highlight areas within districts and boroughs with relatively higher levels of alcohol-related harm. This matrix can be used by other responsible authorities to inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

Panel/Committee Hearings

- 6.14 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.
- 6.15 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry (which may include participation in schemes such as Best Bar None, Purple Flag or Business Improvement Districts (BIDs) etc.), to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

Entitlement to work in the UK

- 6.16 All individual applicants applying for a “Premises Licence”, or a “Personal Licence” with this Licensing Authority must submit further documentation to demonstrate their entitlement to live and work in the United Kingdom (UK)
- 6.17 A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:
- does not have the right to live and work in the UK
 - is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity
- Any licence issued in respect of an application made on or after 6 April 2017, will become invalid if the holder ceases to be entitled to work in the UK.
- 6.18 Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways:
- a) by providing, with this application, copies or scanned copies of the documents* which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance; or
 - b) by providing their nine (9) digit 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see below)

*Applicants are required to submit one (1) of the documents listed at Annex A of the Home Office's Employer right to work checks supporting guidance published on: [Right to work checks: an employer's guide \(GOV.UK\)](#) to show they have permission to be in the UK and are permitted to undertake work in a licensable activity.

Home Office online right to work checking service

- 6.19 To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in their application a nine (9) digit share code (provided to them upon accessing the service at [Prove your right to work to an employer: get a share code \(GOV.UK\)](#)) which, along with the applicant's date of birth, will allow the Licensing Authority to carry out

the check.

LICENSING HEARING**Mobile phones must be turned off throughout the hearing.**

The purpose of the hearing is to consider the detail of the application being made, objections and representations, the council's policy, relevant legislation, statutory guidance and promoting the licensing objectives (the prevention of public nuisance, public safety, the prevention of crime and disorder and protection of children from harm). The Panel will be advised to disregard any irrelevant points.

The hearing will take the form of a discussion led by the committee. Cross examination is not encouraged and please wait to be invited to speak.

Where a large number of interested parties are involved; they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of representations being made.

Procedure for Hearing:

1. The Chair Person introduces the panel, legal advisor and clerk. All parties attending hearing will be asked to introduce themselves.
2. Legal advice given to the meeting by Legal Officer
3. A representative of the Licensing Team presents the overview report
4. The Panel, Applicant or those making representations may ask questions of the report content
5. Applicant puts forward their application
6. Responsible Authorities to ask applicant questions
7. Objectors to ask applicant questions (each to give their name before speaking)
8. Panel, legal advisor to ask applicant questions
9. Responsible authority put forward their representations*
10. Applicant to put questions to the Responsible Authority*
11. Objectors to put questions to the Responsible Authority*
12. Panel/legal advisor to put questions to the Responsible Authority*
13. Objectors to put forward their representations*
14. Applicant to put questions to the objector*
15. Responsible Authority to put questions to the objector*
16. Panel/legal advisor to put questions to the objector*
17. Responsible authorities closing submission
18. Objectors closing submission
19. Applicant closing submission
20. Committee to retire to make decision

*These steps will be repeated if there is more than one Responsible Authority or objector present

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