



Monday, 22 June 2026

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 30 June 2026 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

Zulfiqar Darr
Interim Chief Executive

To Councillors:	R Bullock (Chair)	S Kerry
	S Webb (Vice-Chair)	H Land
	B C Carr	D D Pringle
	S J Carr	H E Skinner
	A Cooper	C M Tideswell
	J Couch	E Winfield
	S P Jeremiah	

AGENDA

1. Apologies

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

2. Declarations of Interest

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

Further information can be found at: [Member Code of Conduct of Broxtowe Borough Council](#)

3. Minutes (Pages 3 - 4)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 27 January 2026.

4. Application to Review a Premises Licence (Pages 5 - 112)

5. Exclusion of Public and Press

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

6. Local Government (Miscellaneous Provisions) Act 1976
Hackney Carriage/Private Hire Driver's Licence (Pages 113 - 138)

LICENSING AND APPEALS COMMITTEE

TUESDAY, 27 JANUARY 2026

Present: Councillor S Webb, Chair

Councillors: R Bullock (Vice-Chair)
B C Carr
A Cooper
S P Jeremiah
D D Pringle
C M Tideswell
E Winfield

Apologies for absence were received from Councillors S Kerry, H Land, K Woodhead and E Williamson

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 MINUTES

The minutes of the meeting held on 11 November 2025 were confirmed and signed as a correct record.

29 PRIMATE LICENSING

Members were advised of the new duty imposed on the Council to licence private primate keepers and to ensure that new minimum animal welfare standards are achieved.

The introduction of The Animal Welfare (Primate Licences) (England) Regulations 2024 ("Primate Licence Regulations") places an additional responsibility on the Council to licence private primate keepers. This new licensing regime sets out minimum welfare standards that keepers of primates will be required to meet.

The Primate Licence Regulations state that it will be a legal requirement for all private primate keepers to hold a primate licence by 6 April 2026.

30 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

31 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

RESOLVED that the taxi license be refused.

32 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

RESOLVED that the taxi license be refused.

33 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

RESOLVED that the taxi license be refused.

34 APPEAL AGAINST DISCIPLINARY ACTION

RESOLVED that the decision be amended to a first formal warning.

LICENSING AND APPEALS SUB-COMMITTEE

Date and Time 30 June 2026 at 10.30 am
Location Council Chamber
 Broxtowe Borough Council
 Foster Avenue
 Beeston
 Nottingham
 NG9 1AB

Applicant:	Brian Costello – Trading Standards
Premise Licence Holder	DSA PVT Limited
Premises applied for:	Beeston Essentials 24 High Road Beeston NG9 2JP
Type of application:	S51 Licensing Act 2003 Application for By Trading Standards to review a premises licence
Date application received	11.05.2026
Consultation period end	08.06.2026 The public notices of application to review were displayed in accordance with Regulation 38 of the Licensing Act 2003 (Premises Licences and club premises certificates) Regulations 2005 (as amended) from 12th May 2026 to 8th June 2026.
Relevant Licensing Objective	Trading Standards <ul style="list-style-type: none"> • Prevention of crime and disorder • Public Safety • Protection of children from harm
Attendances on behalf of the licence holder	Andrew Amaning – Carter Osborne Solicitors on behalf of DVA PVT Limited
Attendances on behalf of the applicant	Brian Costello – Trading Standards

Licensing History

Beeston Essentials, 24 High Road, Beeston, Nottingham, NG9 1JP applied to Broxtowe Borough Council for a premise licence in 2021. The original licence was granted on 20 March 2021 and was transferred to DSA PVT Limited on the 25 May 2023 when they also varied the designated premise supervisor to Deepak Sharma. A copy of this licence can be found at **Appendix 2**.

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.

Consideration of the application

Whether upon consideration of the facts, as set out in the review application, the premise licence be amended, suspended, revoked or other steps to be taken to promote the licensing objectives.

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

- The content of the application (**Appendix 1**)
- The current premise licence (**Appendix 2**)
- Further information provided by Trading Standards (**Appendix 3**)
- The guidance issued under 182 of the Licensing Act 2003 (As updated) - Chapters 2, 9, 10 and 11 (**Appendix 4**)
- The council's "Statement of Licensing Policy" 2024 – 2029 and in particular:
 - Sections 2, 5 & 6 (**Appendix 5**)
 - Policy 1, 2 and 4:

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.

Policy 4

Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- (i) Limitations on the hours when children may be present.
- (ii) Age limitations for persons under 18.
- (iii) Limitations or exclusion when certain activities are taking place.
- (iv) Full exclusion of persons under 18 when certain licensable activities are taking place.
- (v) Limitations of access to certain parts of the premises for persons under 18.
- (vi) A requirement for adults to be present.

REASON: To protect children from harm.

Recommendations

Members are asked to consider the review application made for Beeston Essentials, 24 High Road, Beeston, NG9 2JP and take the steps as it considers appropriate for the promotion of the licensing objectives.

The steps available are:

- 1. To modify the conditions of the licence**
- 2. To exclude a licensable activity from the scope of the licence**
- 3. To remove the Designated Premises Supervisor**
- 4. To suspend the licence for a period not exceeding 3 months**
- 5. To revoke the licence**

List of Appendices

Appendix 1 – Review Application

Appendix 2 – Current licence

Appendix 3 – Trading Standards Evidence bundle

Appendix 4 – Chapters 2, 9, 10 and 11 of S182 Guidance

Appendix 5 – Sections 2,5 and 6 of BBC Statement of Licensing Policy

Appendix 6 – Procedure for hearing

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 Brian Costello

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Beeston Essentials 24 High Road	
Post town Beeston	Post code (if known) NG9 2JP

Name of premises licence holder or club holding club premises certificate (if known) DSA PVT Limited
--

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Brian Costello on behalf of Nottinghamshire County Council Trading Standards 100 Chesterfield Road South Mansfield Nottinghamshire NG19 7AQ
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder X
- 2) public safety X
- 3) the prevention of public nuisance
- 4) the protection of children from harm X

Please state the ground(s) for review (please read guidance note 2)

The grounds for the review are based on the licencing objectives of the prevention of crime and disorder, public safety and the protection of children from harm.

Prevention of crime and disorder

A quantity of non-compliant disposable vapes and illegal cigarettes and tobacco have been seized from Beeston Essentials. Illegal cigarettes were sold to a Trading Standards Officer.

The premises owner, Shalini SHARMA, was issued with a warning letter after the first seizure detailing her responsibilities around the sale of vapes in general and to minors.

Public Safety/ Protection of children from harm

Counterfeit cigarette cigarettes do not contain the Reduced Ignition Propensity Strips designed to extinguish the cigarette if it is set down or not drawn on. This has been an E.U. requirement since 2011. The strip works by reducing oxygen supply to the lit cigarette and are an essential fire prevention device.

There are serious health implications of exposure to illegal vapes. These health implications, especially in young people, have been well documented. This has led to the ban of disposable vapes to protect young people. Testing of illegal vapes showed that they contained twice the safe level of lead, 10 x the safe level of nickel and 7 x the safe levels of chromium. The tests also found that illegal vapes contained 10 x the level of chemicals such as formaldehyde, then those found in legal vapes. (Source-University of Derby).

Manufacturers of vapes have to follow regulations on ingredients, packaging and marketing and all vapes must be registered with the Medicine and Health Care Products Regulatory Agency (MHRA). Most illegal vapes do not go through any kind of testing before being sold in the U.K.

There is an increased fire risk from poor quality vapes, damaged chargers and cables and a fire risk from the unsafe disposal of damaged batteries.

Please provide as much information as possible to support the application (please read guidance note 3)

On 16th June 2025, Nottinghamshire County Council Trading Standards visited Beeston Essentials and seized 76 non-compliant vapes, 440 sticks of illegal cigarettes and 16 packs of illegal hand-rolling tobacco. The cigarettes and hand-rolling tobacco had no legal market in the U.K and the vapes contravened the Tobacco and Related Products Regulations by having tank sizes in excess of the allowed 2ml capacity. Shalini SHARMA was issued with a warning letter explaining that:

The cigarettes failed the general safety requirement of GPSR, as some were found not to have the required safety features in the cigarette paper that causes the cigarette to self-extinguish.

The cigarettes did not comply with the Standardised Packaging of Tobacco Regulations 2015, which requires all tobacco to be sold in plain 'olive coloured' packs and have specified health warnings in English.

Some of the cigarettes were counterfeit – that is they were fakes/copies of a real brand but not produced with their permission. This is an offence under the Trademarks Act 1984.

The hand-rolling tobacco did not contain the UK duty-paid fiscal mark which is in breach of the Tobacco Products Duty Act 1979.

Some of the vapes were for single-use / disposable which is a breach of the Environmental Protection (Single-Use Vapes) (England) Regulations 2024

Some of the vapes were above the legal capacity and did not have the correct labelling for the UK market.

On 13th April, Nottinghamshire County Council Trading Standards carried out a test purchase at Beeston Essentials. A Trading Standards Officer was sold a packet of L&B cigarettes for £10. The packet contravened the Standardised Packaging of Tobacco Regulations 2015, which requires all tobacco to be sold in plain 'olive coloured' packs and have specified health warnings in English. These cigarettes have been confirmed as counterfeit by the brand holder. This is an offence under the Trademarks Act 1984.

Further packets of illegal cigarettes were found in the kitchen of the shop. Within a wheelie bin at the rear of the property, in a secure yard, was a quantity of cannabis vapes and sweets containing THC. Tetrahydrocannabinol (THC) is the principal psychoactive constituent of cannabis and can cause hallucinogenic and psychosis at high doses. Also found in the wheelie bin were four bars of chocolate, two containing THC and two containing Psilocin, the active ingredient in magic mushrooms, a Class A drug. This had been referred onto Nottinghamshire Police.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature
.....

Date 11th May 2026
.....

Capacity Illegal Tobacco Investigator-Trading Standards
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



PREMISES LICENCE

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

Premises Licence Number	21/00116/PREM	Type: New
Date of Grant	20.03.2021 (Variation 09.08.2023)	
Address	Beeston Essentials 24 High Road Beeston Nottingham NG9 2JP	
Telephone number	0115 922 0589	
Licensable activities authorised by the licence	Sale of alcohol by retail	
Times the licence authorises the carrying out of the licensable activities	Sale of alcohol by retail Monday – Sunday 05:00 – 23:00	
Opening hours of the premises	Monday – Sunday 05:00 – 23:00	
Whether the supplies of alcohol are on and/ off the premises	Supply of alcohol off the premises only.	
Name, address, telephone number and e-mail of the holder of the premises licence	DSA PVT Limited 50 Chartley Road Derby DE24 3BT Telephone number: [REDACTED] Email: [REDACTED] (Transfer: 25.05.2023)	
Registered number of company if applicable	14444431	
Name, address and telephone number of the designated premises supervisor	Deepak Sharma (Varied: 25.05.2023)	
Personal licence number and issuing authority of the personal licence held by the designated premises supervisor	PA10553136 Issued by Derby City Council	

Annex 1 – Mandatory conditions

Licensing Act 2003

Supply of alcohol:

No supply of alcohol may be made under this licence –

- a. At a time when there is no Designated Premises Supervisor in respect of it or,
- b. At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended

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

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 Off Licence Sales**

1. (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.

Annex 2 – Conditions consistent with the Operating Schedule

1. A CCTV system with recording equipment shall be installed and maintained at the the premises. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply takes place

Equipment shall be maintained in good working order and:

- Be of evidential quality and reproduce coloured images in all lighting conditions, particularly facial.
 - Indicate the time and date
 - Be retained for 31 days
 - Sufficient staff shall be trained to use the system
 - The original images will be made available for inspection immediately upon request by officers of Responsible Authorities.
2. A “Challenge 25 “ scheme shall operate at the premises. Any person who appears under the age of 25 shall not be allowed to purchase alcohol unless they produce an acceptable form of identification (passport, Military ID, driving licence or PASS accredited card).
 3. A paper or electronic record shall be kept at the premises to record all instances where admission or service is refused

Such records shall show:

- The basis for refusal
- The person making the decision to refuse: and
- The date and time of refusal

Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police and any other authorised person, immediately on request.

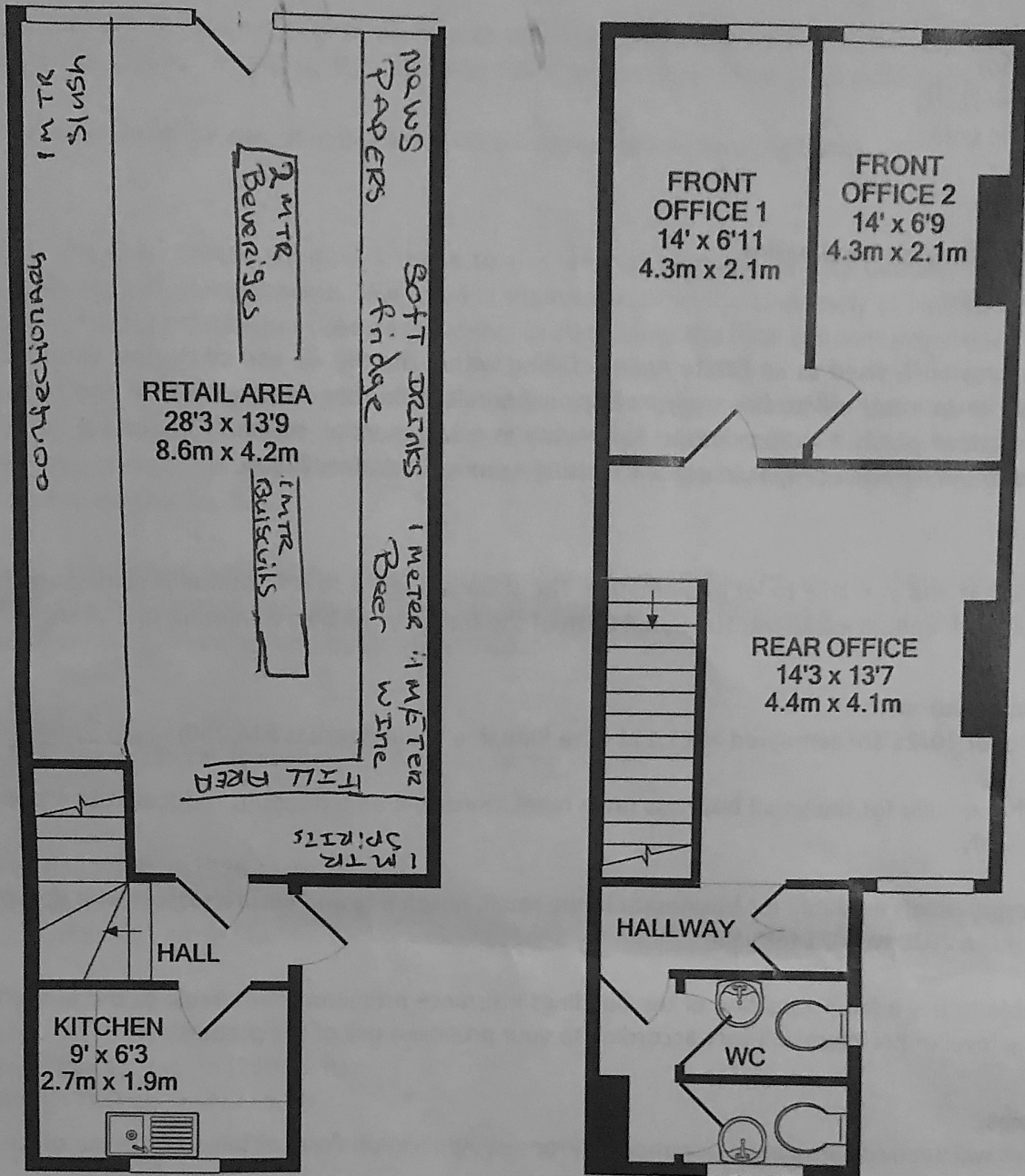
4. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be ongoing and each member of staff shall be reviewed every 6 months. All details of the level of training will be recorded in an electronic record. Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police and any other authorised person, immediately on request.
5. Alcohol will be displayed for sale in accordance with the plan provided.
6. Notices shall be displayed reminding customers when leaving the premises to behave appropriately and to have respect for neighbours

Annex 3 – Conditions attached after a hearing by the Licensing Authority

No hearing

**Annex 4 – Plans
Plan Ref: 21-00116-PREM-20.03.21**

See attached



GROUND FLOOR
 APPROX. FLOOR AREA 478 SQ.FT. (44.4 SQ.M.)

1ST FLOOR
 APPROX. FLOOR AREA 462 SQ.FT. (42.9 SQ.M.)

TOTAL APPROX. FLOOR AREA 940 SQ.FT. (87.3 SQ.M.)

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given

Made with Metropix ©2020

24 High Road, Beeston, Nottingham

Plan Ref:21-00116-PREM-20.03.21



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This matter is being dealt with by:
Trading Standards
Reference: 389518
T 0115 8041147
E trading.standards@nottscc.gov.uk
W nottinghamshire.gov.uk

**Private and Confidential
To be opened by addressee only**

Ms S Sharma - director of DSA
PVT Limited T/A
Beeston Essentials
24 High Road
Beeston, Nottingham
NG9 2JP

6th August 2024

Dear Shalini Sharma

**Re: Tobacco and Related Products Regulations 2016
Advice for retailers of e-cigarettes and nicotine-containing e-liquids**

We are writing this letter as we have received information that your store is alleged to be stocking vapes which do not comply with the current requirements – in particular the requirement that the tanks may only hold a maximum of 2ml.

- **Advice relating to compliance of vape products under the above named legislation**

MHRA (Medicines & Healthcare products Regulatory Agency) has issued the following advice to help retailers to check e-cigarette and e-liquid products for compliance with the Tobacco and Related Products Regulations 2016.

Product requirements

These apply to e-cigarettes (including rebuildable devices, those sold without nicotine content and components and replacement parts) and to e-liquids (refill containers for e-cigarettes):

- Maximum tank size of an e-cigarette, 2ml (when assembled if necessary)
- Maximum strength of nicotine-containing liquid if present, 20mg/ml nicotine

- Maximum volume of a nicotine-containing refill container, 10ml
- Tamper-evident and child-resistant packaging

Labelling requirements

On pack as sold (must be on bottle or device if no outer packaging):

- List of ingredients in nicotine-containing liquid, if present
- Indication of nicotine content and delivery per dose
- Batch number
- Recommendation to keep the product out of the reach of children
- Prominent health warning in black text on a white background on front and back - "This product contains nicotine which is a highly addictive substance"
- Prohibited on packs – offers and discounts, product safety / health claims

Unless all these details are included on the pack, an accompanying leaflet must include:

- Instructions for use and storage, including instructions for refilling where appropriate
- Contra-indications, warnings for specific risk groups and possible adverse effects, addictiveness and toxicity
- Contact details of the producer; also a contact within the UK if the producer is based outside the

OFFICIAL SENSITIVE WHEN COMPLETE

UK (this may be an EU contact for products supplied in Northern Ireland)

Exceptions where these are not required

- Identical replacement parts where you and the consumer can clearly identify from the labelling the notified e-cigarette product for which the part is a replacement
- Parts such as battery units that do not come into contact with nicotine-containing liquid when in use
- A disposable e-cigarette or e-liquid product containing 0mg nicotine when sold

Notification requirements

Always check with your supplier that the products you are offered have been notified to MHRA. You can verify this by checking the MHRA published lists of notified products, on www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products#notified-products-for-great-britain-and-northern-ireland which is updated weekly. If a product has not been notified the manufacturer or importer may not supply it to you.

Are you a producer?

If you are a producer if you manufacture, import into the UK or add different branding to an e-cigarette or e-liquid product. Information for producers on product notification requirements is available at www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products

Product safety issues

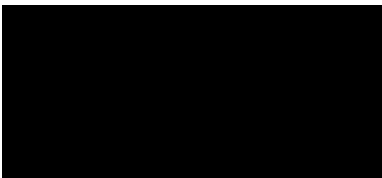
Side effects and safety concerns with e-cigarettes or e-liquids (refill containers) can be reported to MHRA through the Yellow Card reporting system - <https://yellowcard.mhra.gov.uk/>
Products suspected to be defective or non-compliant report to local Trading Standards or to TPDsafety@mhra.gov.uk. Do feel free to pass this message on to consumers on your website and in your shop.

Further advice

More detailed information is available on the MHRA web page together with links to advice on other areas such as advertising and cross-border selling which are not the responsibility of MHRA. Additional advice may be available from your local Trading Standards team or by contacting MHRA at info@mhra.gov.uk.

On this occasion we are content to offer you the above advice and sources of information. However, we will continue to monitor complaints or other information and should we receive information that vapes continue to be sold with too large a capacity or any other breach included in the advice above we may look to take further formal action.

If you require more advice, please see www.businesscompanion.info which has a range of advice for traders alternatively for specific advice you can contact the Trading Standards Commercial Team for chargeable advice on 0115 804 2912 or tscommercial@nottscc.gov.uk.



Rebecca Percy
Trading Standards Officer
Nottinghamshire County Council

Notice of powers and rights to occupier



**Nottinghamshire
County Council**

To Beeston Essentials LA Ref

Address 24 High Road, Beeston, NG9 2JP Officer Annie Kinsley

Date 16/06/25 Time 13:58 Position Owner

Person Seen Deepak Sharma

This notice should be passed to the business owner(s)/director(s) or relevant manager of the premises.

Code of Practice – Powers of Entry (Section 48(1)(a)) of the Protection of Freedoms Act 2012

Visit conducted: without a warrant with a warrant

Reason for Visit: Routine Inspection Enquiry/complaint investigation Other

This notice is issued in accordance with the above code of practice. It informs you about your rights when an authorised officer who has powers of entry wishes to exercise those powers. It also explains any associated powers and any compensation or complaints procedures that exist. You may obtain copies of the code of practice via [Powers of entry - GOV.UK \(www.gov.uk\)](http://Powers of entry - GOV.UK (www.gov.uk)) or request a copy via the e-mail address below. See over leaf for more information about entry to premises with/without a warrant.

Officer Powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time, and if so required by law, on production of credentials. Wherever possible they will visit by appointment, however on some occasions they may not provide notice if to do so would defeat the object of the inspection. It is always advisable to ask to see officers' credentials or identification before allowing them to proceed. The powers of an officer do vary depending on the legislation pertinent to the visit; however, officers will generally have the following powers:

- To enter and inspect all parts of business premises
- To observe the operation of the business
- To interview staff during inspection
- To seize and retain any food, goods, computers or documents that may be required as evidence
- To make test purchases, take samples and photographs
- To inspect and test any goods, equipment or installations
- To seize items that are liable to forfeiture
- To require the production and take copies of recordings (including computer records), documents and video recordings associated with the business

Officer powers are contained in a variety of legislation enforced by this service, including those listed below

Consumer Protection from Unfair Trading Regulations 2008 Trade Descriptions Act 1968

Consumer Protection Act 1987 General Product Safety Regulations 2005

Business Protection from Misleading Marketing Regulations 2008 Weights & Measures Act 1985

Copyright Designs & Patents Act 1988 Trademarks Act 1994 Consumer Rights Act 2015

Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013 Licensing Act 2003

Animal Health Act 1981 Animal Welfare Act 2006 Agriculture Act 1970

Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015

Animal By-Products (Enforcement) (England) Regulations 2013

Other (insert detail)

Obstruction of officers or failure to provide assistance

It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.

Consent of landowner or occupier

Consent Obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used. Reasonable effort should be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay.

Declaration of landowner or occupier

I confirm receipt of this notice and hereby consent to officers entering the premises for the stated purposes. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.

Name of person granting consent

Signature

Trading Standards, County House, 100 Chesterfield Rd South, Mansfield, NG19 7AQ
Tel: 0115 8041147 E-mail: trading.standards@nottscc.gov.uk

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 Brian Costello

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Beeston Essentials 24 High Road	
Post town Beeston	Post code (if known) NG9 2JP

Name of premises licence holder or club holding club premises certificate (if known) DSA PVT Limited
--

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Brian Costello on behalf of Nottinghamshire County Council Trading Standards 100 Chesterfield Road South Mansfield Nottinghamshire NG19 7AQ
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder X
- 2) public safety X
- 3) the prevention of public nuisance
- 4) the protection of children from harm X

Please state the ground(s) for review (please read guidance note 2)

The grounds for the review are based on the licencing objectives of the prevention of crime and disorder, public safety and the protection of children from harm.

Prevention of crime and disorder

A quantity of non-compliant disposable vapes and illegal cigarettes and tobacco have been seized from Beeston Essentials. Illegal cigarettes were sold to a Trading Standards Officer.

The premises owner, Shalini SHARMA, was issued with a warning letter after the first seizure detailing her responsibilities around the sale of vapes in general and to minors.

Public Safety/ Protection of children from harm

Counterfeit cigarette cigarettes do not contain the Reduced Ignition Propensity Strips designed to extinguish the cigarette if it is set down or not drawn on. This has been an E.U. requirement since 2011. The strip works by reducing oxygen supply to the lit cigarette and are an essential fire prevention device.

There are serious health implications of exposure to illegal vapes. These health implications, especially in young people, have been well documented. This has led to the ban of disposable vapes to protect young people. Testing of illegal vapes showed that they contained twice the safe level of lead, 10 x the safe level of nickel and 7 x the safe levels of chromium. The tests also found that illegal vapes contained 10 x the level of chemicals such as formaldehyde, then those found in legal vapes. (Source-University of Derby).

Manufacturers of vapes have to follow regulations on ingredients, packaging and marketing and all vapes must be registered with the Medicine and Health Care Products Regulatory Agency (MHRA). Most illegal vapes do not go through any kind of testing before being sold in the U.K.

There is an increased fire risk from poor quality vapes, damaged chargers and cables and a fire risk from the unsafe disposal of damaged batteries.

Please provide as much information as possible to support the application (please read guidance note 3)

On 16th June 2025, Nottinghamshire County Council Trading Standards visited Beeston Essentials and seized 76 non-compliant vapes, 440 sticks of illegal cigarettes and 16 packs of illegal hand-rolling tobacco. The cigarettes and hand-rolling tobacco had no legal market in the U.K and the vapes contravened the Tobacco and Related Products Regulations by having tank sizes in excess of the allowed 2ml capacity. Shalini SHARMA was issued with a warning letter explaining that:

The cigarettes failed the general safety requirement of GPSR, as some were found not to have the required safety features in the cigarette paper that causes the cigarette to self-extinguish.

The cigarettes did not comply with the Standardised Packaging of Tobacco Regulations 2015, which requires all tobacco to be sold in plain 'olive coloured' packs and have specified health warnings in English.

Some of the cigarettes were counterfeit – that is they were fakes/copies of a real brand but not produced with their permission. This is an offence under the Trademarks Act 1984.

The hand-rolling tobacco did not contain the UK duty-paid fiscal mark which is in breach of the Tobacco Products Duty Act 1979.

Some of the vapes were for single-use / disposable which is a breach of the Environmental Protection (Single-Use Vapes) (England) Regulations 2024

Some of the vapes were above the legal capacity and did not have the correct labelling for the UK market.

On 13th April, Nottinghamshire County Council Trading Standards carried out a test purchase at Beeston Essentials. A Trading Standards Officer was sold a packet of L&B cigarettes for £10. The packet contravened the Standardised Packaging of Tobacco Regulations 2015, which requires all tobacco to be sold in plain 'olive coloured' packs and have specified health warnings in English. These cigarettes have been confirmed as counterfeit by the brand holder. This is an offence under the Trademarks Act 1984.

Further packets of illegal cigarettes were found in the kitchen of the shop. Within a wheelie bin at the rear of the property, in a secure yard, was a quantity of cannabis vapes and sweets containing THC. Tetrahydrocannabinol (THC) is the principal psychoactive constituent of cannabis and can cause hallucinogenic and psychosis at high doses. Also found in the wheelie bin were four bars of chocolate, two containing THC and two containing Psilocin, the active ingredient in magic mushrooms, a Class A drug. This had been referred onto Nottinghamshire Police.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

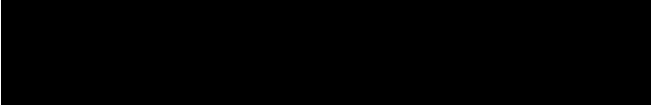
yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 11th May 2026

Capacity Illegal Tobacco Investigator-Trading Standards

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9**

Statement of: Brian Costello

Age: (Over 18)

Occupation: Investigator

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness

Date: 20th April 2026

I am the above-named person, and I am currently employed by Nottinghamshire County Council as an investigator.

I was previously a Police Officer with Nottinghamshire Police and worked as a Response Officer, Counter-Terrorism Detective, Financial Investigator, Response Sergeant and Modern Slavery and Human Trafficking Investigator. I was employed by Nottinghamshire County Council Trading Standards in August 2021 as a fraud investigator and began illegal tobacco investigations in October 2023.

My primary role is to act on information received from various sources and conducted enforcement visits on premises suspected of being involved in the sale of illegal cigarettes, hand-rolling tobacco and non-compliant vape products.

At 10:35hrs on Monday 13th April 2026, I attended Beeston Essential, 24 High Road, Beeston with Trading Standard's Officers (TSO) Annie KINSLEY and Rebecca PERCY. The purpose of the visit was to carry out an inspection following receipt of information that they were selling illegal cigarettes. A test purchase was carried out before the visit, resulting in the sale of a packet of 20 Lambert & Butler cigarettes, in non-UK regulation packaging, to TSO Kinsley.

Signed:

Statement taken by:

Continuation statement of: Brian Costello

On entry to the shop, I saw a lone male behind the counter. I explained to him who I was, showed him my identification, and explained the purpose of the visit. I then made my way to the rear of the shop and out through a rear door. The door led onto a small yard bounded by a low wall separating the shop from the adjacent shop, a photo processing premises. The rear of the yard was secured with a wooden fence approximately six feet tall and a wooden gate that led out onto a car park. The gate was locked on the inside with a padlock. Within the rear yard was a small wheelie bin with an orange lid. I opened the lid and saw a black bin liner inside. I removed the bin liner, which contained another bin liner, a Tesco carrier bag and a plain blue carrier bag. Within the bags were items I believed to be cannabis vapes and sweet products. These were seized by me; item BAC 1 refers. I then took a series of photos of the yard and of the products found in the bin. BAC 1 was subsequently placed in secure storage.

On 14th April I produced the following exhibits from the photographs taken in the rear yard of Beeston Essential.

BAC 2 IMAGE OF WHEELIE BIN IN REAR YARD

BAC 3 IMAGE OF BIN LINER IN BIN

BAC 4 IMAGE OF LOCKED GATE IN REAR YARD

BAC 5 IMAGE OF FAMILY HIGH RANGE CANNABIS SWEETS

BAC 6 IMAGE OF FAMILY HIGH RANGE CANNABIS SWEETS

BAC 7 IMAGE OF STARDUST SERENADE CANNABIS SWEETS

BAC 8 IMAGE OF 10/10 BOYS CANNABIS SWEETS

BAC 9 IMAGE OF MILLIONS ROPE CANNABIS SWEETS

Signature



Statement taken by:

Continuation statement of: Brian Costello

On 20th April 2026, I removed items AK 1, AK 2 and AK 3 from secure storage for the purposes of examination. I opened item AK 3 and removed two packets of L&B Brilliantly British cigarettes from them. I opened one of the sealed packets and removed a cigarette from it. After removing the filter and tobacco, I tested for the presence of a Reduced Ignition Propensity (RIP) strip on the paper by colouring it with a pen. No RIP strip was seen, suggesting that the cigarettes were counterfeit. These strips are required by EU and UK legislation, under which cigarettes must meet a reduced ignition propensity (RIP) requirement, which is a fire-safety precaution. On the same day, I opened item AK2 and removed two packs of L&B Brilliantly British cigarettes for submission to the brand holder for testing, item BAC 10 refers. AK 2 was resealed with tag number NTS 41139. These cigarettes were confirmed as counterfeit by the brand holder.

On 20th April 2026, I removed item BAC 1 from secure storage for the purposes of examination.



BAC 1 contained the following:

- 14 units 'Slugger' cannabis vapes
- 10 units 10/10 BOYS cannabis vapes
- 10 packs Family High Range cannabis sweets
- 1 pack WM Rainbow Stripes sweets
- 1 pack WM Zoot Pastilles
- 3 packs WM Millions Rope sweets
- 2 bars Cali Gold chocolate
- 2 bars Jinni chocolate

Signed:

Statement taken by:

Continuation statement of: Brian Costello

The Family High Range cannabis sweets show labelling that indicates the product contains THC, and a warning stating the product contains cannabis. The Millions Rope sweets lists an ingredient as Tetrahydrocannabinol (THC). An examination of the 10/10 BOYS  in the U.S and a warning stating it contains THC. The 'SLUG  in warning that the product contains cannabis.

The Cali Gold and Jinni chocolate bars are believed to contain Tetrahydrocannabinol (THC) and Psilocin. Psilocin is the active ingredient in magic mushrooms and is a Class A drug. Item BAC 1 was resealed with tag number NTS 41134.

PREVIOUS VISITS AND ADVICE LETTERS

On 1st July 2024, a 10,000-puff disposable vape device was sold at a cost of £15 during a test purchase operation at Beeston Essentials. Shalina SHARMA was issued with written advice following the purchase. A 10,000-puff device will have had a tank size in excess of the 2ml allowed by legislation.

On 16th June 2025, Beeston Essential, 24 High Road, Beeston was visited by Trading Standards Officers resulting in the seizure of 76 non-compliant vapes, 440 sticks of illegal cigarettes and 16 packs of illegal hand-rolling tobacco. Following the visit, the director of Beeston Essentials, Shalini SHARMA, was issued with a warning letter. The letter advised SHARMA that the cigarettes did not comply with the Standardised Packaging of Tobacco Product Regulations, in that they were sold in the incorrect packaging, that they failed the general safety requirement of the General Product and Safety Regulations in that they did not contain the required safety strips that allow a cigarette to self-extinguish, and

Signed:



Statement taken by:

Continuation statement of: Brian Costello

that some of cigarettes were counterfeit and produced without permission of the legitimate brand holder.

She was also informed that the hand-rolling tobacco did not contain the 'UK Duty paid' fiscal mark, breaching The Tobacco Products Duty Act 1979. She was also informed that the vapes seized either breached the Tobacco and Related Products Regulations in having tanks in excess of 2ml or were single use/disposable vapes in breach of the Environmental Protection (Single Use Vapes) (England) Regulations 2024.

ILLEGAL CIGARETTES

Illegal cigarettes and tobacco broadly fall into two categories. Cigarettes and tobacco that have no legal market in the United Kingdom, and counterfeit.

Cigarettes and tobacco that have no legal market in the United Kingdom are those manufactured by legitimate tobacco manufacturers for consumption outside of the U.K. They will be manufactured and sold in the original-coloured packaging and will not have had UK Duty paid on them. These are distinct from Duty-free cigarettes and tobacco which can be brought in from abroad for personal use. The sale of non-U.K. legal cigarettes and tobacco in small commercial premises results in duty evasion to HM Treasury and affects legitimate small business who cannot compete with the illegal market. Non-U.K. legal cigarettes sell for £6-7 per pack of 20 and hand-rolling tobacco for £10.

Counterfeit cigarettes are those manufactured in factories in Eastern Europe and smuggled into the United Kingdom. They are made using inferior products in unsanitary conditions. They can be manufactured to look like products for sale in the European, Middle Eastern and African markets and those for sale in the U.K. market. They do not contain the Reduced Ignition Propensity strips that are a U.K. legal fire-safety requirement. The production and sale of counterfeit cigarettes is controlled by organised crime groups. The sale of counterfeit cigarettes and tobacco in small commercial premises results in duty

Signed:

Statement taken by:



Continuation statement of: Brian Costello

evasion to HM Treasury and affects legitimate small business who cannot compete with the illegal market. Counterfeit cigarettes sell for £4-5 per pack of 20. Counterfeit cigarettes and tobacco hold the additional risks of containing unknown ingredients and manufacturing techniques.

VAPE PRODUCTS

The limit on tank size for vape products under Regulation 36 of the Tobacco and Related Products Regulations 2016 is 2 ml. All the seized vapes breached the regulations.

A random sample of vapes from the seizure showed that many did not comply with Regulation 37 Of the Tobacco and Related Products Regulations 2016. The regulations require that the labelling should state, 'This product contains nicotine which is a highly addictive substance.' The labelling should appear on the front and rear of the product and cover 30% of the surface area. On a random sample, either the wording was not as proscribed and/or the labelling did not cover the required 30% of the packaging. None of the vapes contained leaflets as required by the regulations.

COST OF LEGITIMATE CIGARETTES

A genuine packet of twenty king size filter cigarettes in the UK costs around £15.80. Hand rolling tobacco is sold in 30g and 50g packs. The average price for a 30g is £18-£23 and for a 50g pack is £35-£38. There is some variation in price between different brands but only by a pound or two per pack.


The tobacco duty on a packet of twenty cigarettes is currently 16.5% of the retail price plus £6.69. (Source-Tobacco Tax-Office of Budget Responsibility November 2025). VAT is also payable on cigarettes at a rate of 20%, but I have ignored this for simplicity.

Signed:

Statement taken by:

Continuation statement of: Brian Costello

This means the tobacco duty due on a standard packet is 16.5 % of £15.80=£2.60 plus £6.69, giving a total of £9.29. Furthermore, the minimum that a packet of cigarettes can be legally sold for (Minimum Excise Tax) is £7.87 with 100% of that value going to tax and applies to cigarettes selling for £11.97 or less. From October 2024, the price of cigarettes will also rise with inflation. The minimum tax value means it is not possible to sell cigarettes at 'half price.' The tobacco duty rate on hand rolling tobacco is £14.30 for a 30g packet.

As well as the price, the packaging of the cigarettes also show duty has not been paid on them. From 2016 all tobacco products sold in the UK must be sold in plain  packaging. All packets must be a dark olive colour often referred to as 'black' by smokers. The brand of the tobacco is only identifiable by the name on the packet, which must be in a standard font. There must also be warning notices, standard pictures showing the effects of smoking and information about the NHS quit smoking services on every packet.

CONCLUSION

Beeston Essentials, under the ownership of Shalini SHARMA, has been visited three times since July 2024. Following the first visit, SHARMA was given detailed, concise and explicit advice regarding what was sold in her shop on 1st July 2024 and what was found in her shop on 16th June 2025. Clearly, she decided to ignore that advice and not only continue to sell illegal cigarettes but to escalate to selling cannabis vapes, chocolate and sweets containing Class B and Class A drugs. Nottinghamshire County Council Trading Standards would strongly urge that the licence be revoked.

CIGARETTES AND HAND-ROLLING TOBACCO

Signed:

Statement taken by:

Continuation statement of: Brian Costello

Regulations 3 (cigarettes) and 7 (hand-rolling tobacco) of the Standardised Packaging of Tobacco Product Regulations 2015

STANDARDISED PACKAGING REQUIREMENTS

Cigarette packs, individual cigarette sticks, and hand-rolling tobacco packs must be produced and supplied in standardised packaging, which means they have to meet requirements of the Standardised Packaging of Tobacco Products Regulations 2015

Cigarette packs/Hand rolling tobacco:

- the only permitted colour for the external packaging of a unit or container packet of cigarettes is Pantone 448C (drab dark brown) with a matt finish.
- the internal packaging must be either white or Pantone 448C with a matt finish.
- unit packets must be made of carton or soft material and cuboid in shape (bevelled or rounded edges are permitted)
- the packaging's surface must be smooth and flat and have no irregularities of shape or texture.
- flip-top or shoulder boxed lids are permitted.
- slim packets are prohibited but slim individual cigarette sticks are allowed.
- inserts and additional material are prohibited.
- any internal lining must be silver coloured foil (with no variation in tone or shade) with a white paper backing.
- wrappers must be clear and transparent and not coloured or marked (except for any black marks required to cover a barcode), smooth and flat with no irregularity of shape or texture.

A unit packet of cigarettes must contain a minimum of 20 cigarettes.

A unit packet of hand-rolling tobacco must contain at least 30 g of tobacco.

Regulations 5 and 7 Tobacco and Related Products Regulations 2016

HEALTH WARNINGS

- a health warning must cover the entire area that is reserved for it and must not be commented on or altered in any way.
- it must be in English, fully visible, permanent, irremovably printed on the pack and surrounded by a black border. For a unit pack of a tobacco product other than cigarettes or hand-rolling tobacco in a pouch, the warning may be printed on a sticker fixed to the pack as long as the sticker is irremovable.
- a health warning must remain intact when the pack is opened. However, the combined health warning may be split in the case of a unit pack with a flip-top lid.

Signed:

Statement taken by:

Continuation statement of: Brian Costello

This is fine as long as the graphical integrity, visibility of the text and smoking cessation information remains in place.

LABELLING REQUIREMENTS

- a unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a corresponding colour photograph as listed in the picture library in Schedule A1 to the Tobacco and Related Products Regulations 2016 (see the link in 'Key legislation' below), as well as the smoking cessation statement 'Get help to stop smoking at www.nhs.uk/quit'
- there is one set of pictures (no rotation between sets)
- it must appear on the front and back surfaces of the unit pack as well as any container pack using the same warning and photograph on each surface; it must be in a format that includes the requirement to cover 65% of the area of the surface on which it appears.

General warnings and information messages:

- a unit pack and any container pack of a tobacco product for smoking must carry the general health warning, 'Smoking kills - quit now', and an information message, 'Tobacco smoke contains over 70 substances known to cause cancer.'
- the format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears:
- on most unit packs of cigarettes this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface
- on a unit pack of cigarettes or hand-rolling tobacco in a shoulder box, the general warning and the information message must be complete on the larger of the two split parts of the box.
- on a cylindrical unit pack of hand-rolling tobacco that has a lid, the general warning must appear on the outside of the lid and the information message must appear on the inside surface of the lid.
- there are specific rules that apply to the general warning and information message that appears on a unit pack of hand-rolling tobacco in the form of a rectangular pouch.

Signed:

Statement taken by:

Statement of witness

(Criminal Procedure Rules, r27.1 (1);

Criminal Justice Act 1967, s.9, Magistrates Courts Act 1980, s5B)

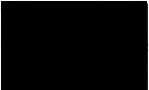
Statement of Salvatore Loscalzo

Age of witness: over 18

Occupation of witness: Director

Address: 19 St Christophers Way, Patriot Way Business Park, Pride Park, Derby, DE24 8JY

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature.. 

Dated 23/04/2026.

I am the above-named person, and I am employed by Attest UK Authentication Services Limited as a Director. The company's offices are situated at 19 St Christophers Way, Patriot Way Business Park, Pride Park, Derby, DE24 8JY. I have been employed by Attest UK Authentication Services Limited since April 2014. In my role as a Director for Attest UK Authentication Services Limited I regularly assist tobacco manufacturers in the identification of counterfeit tobacco products. I have received specialised training in this aspect of my role. This training encompasses the products of Imperial Tobacco Limited and subsidiary companies of Imperial Tobacco Limited.

I have been instructed by Imperial Tobacco Limited to assist on the identification of genuine and counterfeit Imperial Tobacco Limited cigarettes and tobacco products. I am authorised to make this declaration, which I do so from my own knowledge unless otherwise indicated.

On the 23rd of April 2026, I received an envelope containing:

- A covering letter and a sample submission form from Brian Costello of Nottinghamshire County Council Trading Standards, referenced C406885.
- A sealed evidence bag with seal number N14419240 containing 1 x 20 packet of L&B Lambert & Butler Original King Size cigarettes, exhibit reference AK 1.
- A sealed evidence bag with seal number M29894676 containing 1 x 20 packet of L&B Brilliantly British cigarettes and 1 x 20 opened packet of L&B Brilliantly British cigarettes with 19 cigarettes inside it, exhibit reference BAC 10.
- Two unused plastic security tags numbered 41140 and 41133.

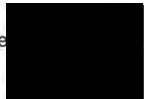
I was requested to examine the above samples to determine their authenticity.

I examined the aforementioned samples on the 23rd of April 2026. I confirm that some elements of the packaging were either removed and / or opened during the process of examination.

From analysis I can conclude that:

The packets cigarettes bearing the L&B brand, in evidence bags with seal numbers N14419240 exhibit reference AK 1 and M29894676 exhibit reference BAC 10, are counterfeit product, not produced by, with consent of, under authority of or on behalf of Imperial Tobacco Ltd or any of its subsidiaries.

Reference SL/665-3

Signature 


Dated the
23/04/2026.

I can confirm that L&B, is a registered trademark of Imperial Tobacco Limited in the United Kingdom, and I have produced a copy of the trademark certificate for this brand which I attach as exhibit SL/665-3/1.

I can confirm that these samples were sealed in evidence bags and returned to Brian Costello of Nottinghamshire County Council Trading Standards.

- Plastic security tag numbered 41140 used to reseal evidence bag with seal number N14419240 containing 1 x 20 packet of L&B Lambert & Butler Original King Size cigarettes, exhibit reference AK 1.
- Plastic security tag numbered 41133 used to reseal evidence bag with seal number M29894676 containing 1 x 20 packet of L&B Brilliantly British cigarettes and 1 x 20 opened packet of L&B Brilliantly British cigarettes with 19 cigarettes inside it, exhibit reference BAC 10.
- I also returned the covering letter and the sample submission form.

Reference SL/665-3

Signature 

Dated the
23/04/2026.

WITNESS STATEMENT**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9**

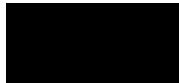
Statement of: Rebecca Percy

Age: (Over 18)

Occupation: Trading Standards Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness):

Date: 15th April 2026

I am the above named and I am currently employed by Nottinghamshire County Council as a Trading Standards Officer.

On the afternoon of 16th June 2025, I attended Beeston Essentials situated at 24 High Road, Beeston, Nottinghamshire, NG9 2JP. I was accompanied by Trading Standards Officers Matthew Tuft and Annie Kinsley and seconded Police Officer Dylan Scally.

In the back stock room, I found two trays of non-compliant vapes, I refer to this as exhibit RP-2. In the kitchen behind the stock room, I found illegal cigarettes and hand rolling tobacco, I refer to this as exhibit RP-1.

On the afternoon of 18th June 2025, I opened RP-1 and RP-2 to count the items.

RP-1 contained:

22 packets (440 sticks) of Richmond Kingsize
16 packets (50g packs) of Amber Leaf rolling tobacco

RP-1 was resealed with NTS41753.

RP-2 contained:

21 Hayati Pro Max
26 Ghost
20 Blu Bar
9 Lost Mary

RP-2 was resealed with NTS41752

On the morning of the 25th June 2025, I opened RP-1 and removed 2 packets of Amber Leaf and 2 packets of Richmond. I refer to these as exhibits RP-3 and RP-4. I carried out a reduced ignition test on a packet of the Richmond, in which this did not contain the required ignition strip.

Signed: R Percy

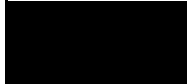
Statement taken by:

Continuation statement of: Rebecca Percy

RP-2 was resealed with NTS41751.

On the same day, I hand delivered a warning letter and had the cigarettes and vapes surrendered to Nottinghamshire County Council Trading Standards. Present during the visit was Mr Deepak SHARMA. A receipt was also provided to Mr SHARMA for the return of 2 SKE Vapes which were incorrectly seized.

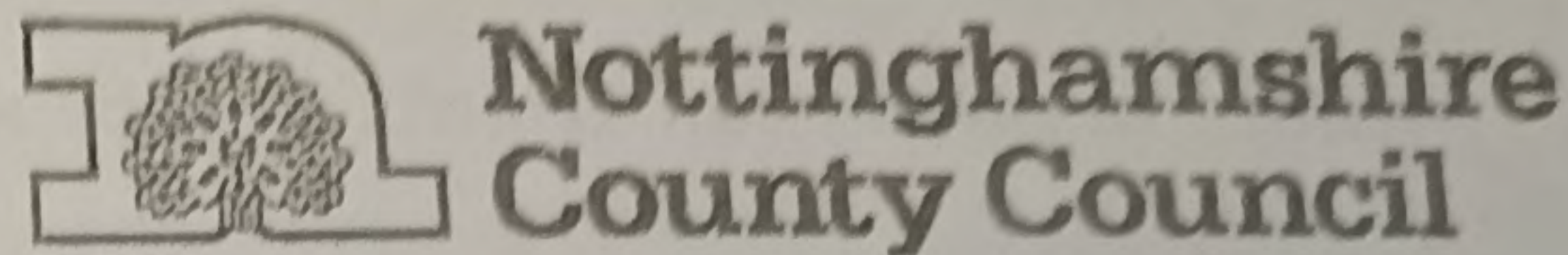
This is a true account and to the best of my knowledge.



Signed:

Statement taken by:

Notice of powers and rights to occupier
 DSA PVT Ltd TIA



To Beeston Essentials LA Ref 4.06885
 Address 24 High Road, Beeston, Notts, NG9 2JP
 Date 13/4/26 Time 10:34 Officer REP
 Person Seen Deepak Sharma Position Staff

This notice should be passed to the business owner(s)/director(s) or relevant manager of the premises.

Code of Practice – Powers of Entry (Section 48(1)(a)) of the Protection of Freedoms Act 2012	
Visit conducted:	<input checked="" type="checkbox"/> without a warrant <input type="checkbox"/> with a warrant
Reason for Visit:	<input type="checkbox"/> Routine Inspection <input checked="" type="checkbox"/> Enquiry/complaint investigation <input type="checkbox"/> Other
This notice is issued in accordance with the above code of practice. It informs you about your rights when an authorised officer who has powers of entry wishes to exercise those powers. It also explains any associated powers and any compensation or complaints procedures that exist. You may obtain copies of the code of practice via <u>Powers of entry - GOV.UK (www.gov.uk)</u> or request a copy via the e-mail address below. See over leaf for more information about entry to premises with/without a warrant.	
Officer Powers	
Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time, and if so required by law, on production of credentials. Wherever possible they will visit by appointment, however on some occasions they may not provide notice if to do so would defeat the object of the inspection. It is always advisable to ask to see officers' credentials or identification before allowing them to proceed. The powers of an officer do vary depending on the legislation pertinent to the visit; however, officers will generally have the following powers:	
<ul style="list-style-type: none"> To enter and inspect all parts of business premises To observe the operation of the business To interview staff during inspection To seize and retain any food, goods, computers or documents that may be required as evidence 	<ul style="list-style-type: none"> To make test purchases, take samples and photographs To inspect and test any goods, equipment or installations To seize items that are liable to forfeiture To require the production and take copies of recordings (including computer records), documents and video recordings associated with the business
Officer powers are contained in a variety of legislation enforced by this service, including those listed below	
Consumer Protection from Unfair Trading Regulations 2008 <input type="checkbox"/>	Trade Descriptions Act 1968 <input type="checkbox"/>
Consumer Protection Act 1987 <input type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input type="checkbox"/>	Weights & Measures Act 1985 <input type="checkbox"/>
Copyright Designs & Patents Act 1988 <input type="checkbox"/>	Trademarks Act 1994 <input type="checkbox"/>
Food Safety Act 1990 <input type="checkbox"/>	Food Safety and Hygiene (England) Regulations 2013 <input type="checkbox"/>
Animal Health Act 1981 <input type="checkbox"/>	Animal Welfare Act 2006 <input type="checkbox"/>
Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015 <input type="checkbox"/>	Licensing Act 2003 <input type="checkbox"/>
Animal By-Products (Enforcement) (England) Regulations 2013 <input type="checkbox"/>	Agriculture Act 1970 <input type="checkbox"/>
Other <input type="checkbox"/> (insert detail)	
Obstruction of officers or failure to provide assistance	
It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.	
Consent of landowner or occupier	
Consent Obtained <input type="checkbox"/>	Consent not requested <input type="checkbox"/>
Consent requested but not obtained <input type="checkbox"/>	
This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used. Reasonable effort should be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay.	
Declaration of landowner or occupier	
I confirm receipt of this notice and hereby consent to officers entering the premises for the stated purposes. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.	
Name of person granting consent <u>[Redacted]</u>	

Trading Standards, County House, 100 Chesterfield Rd South, Mansfield, NG19 7AQ
 Tel: 0115 8041147 E-mail: trading.standards@nottscc.gov.uk

SL/665-3/1



Intellectual
Property
Office

Certified Copy

I certify that the attached is a true copy of the entry of a trade mark in the United Kingdom register of trade marks.



Tim Moss
Comptroller General of Patents, Designs and Trade Marks
Intellectual Property Office

Dated: 30 October 2021



Intellectual Property Office is an operating name of the Patent Office

[www.ipo.gov.uk](http://wwwipo.gov.uk)

Trade Mark No: UK00911609682

Page 48

SALVATORE LOSCALZO 23/09/2026
page 1 of 2



Intellectual
Property
Office

Certificate of renewal of a trade mark

Trade mark number

UK00911609682

Owner

Imperial Tobacco Limited

Renewed on

16 January 2023

Renewed until

26 February 2033

Your reference

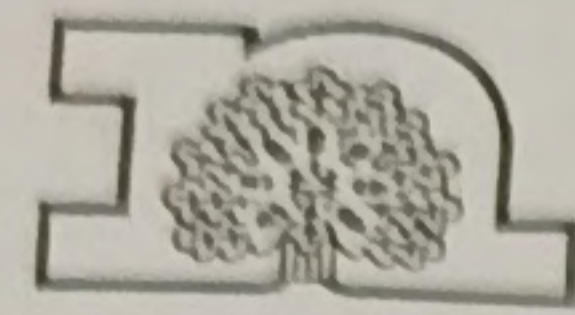
LJR/128649

Full details can be viewed on the official UK trade mark register.

IPO | Making life better through IP

Intellectual Property Office (an operating name of the Patent Office)

1100000745



Nottinghamshire County Council

Trading Standards, County House, 100 Chesterfield Road South, Mansfield, Nottinghamshire, NG19 7AQ Tel: 0115 804 1147

Date	13/4/26
Name	Beeston Essentials
Address	24 High Road, N59 2SP
Legislation	Consumer Rights Act 2015 Standardised Packaging of Tobacco Products Regulations 2015 ✓ Tobacco and Related Products Regulations 2016 ✓ Environmental Protection (Single-use Vapes)(England) Regulations 2024 General Product Safety Regulations 2005

The following items have been seized by virtue of powers under the above legislation:

SCHEDULE

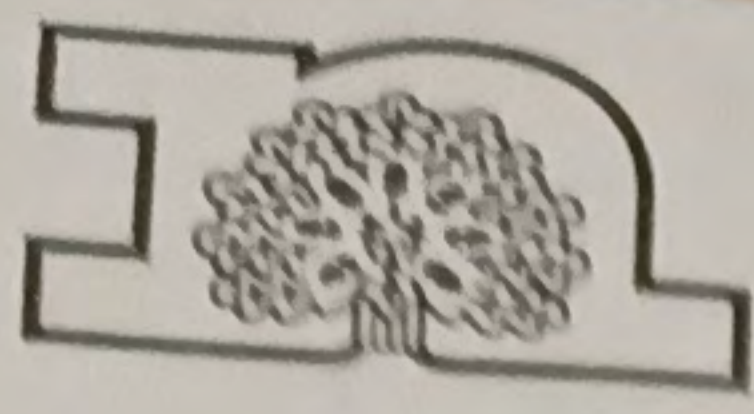
N14420313 - AK 2 - 6x LTB cigarettes
 P10625931 - AK 3 - 6x LTB cigarettes
 1x LTB Brilliantly British
 cigarettes.

Such goods/documents having been in my possession on.

I agree to surrender all rights and property in the said goods to Nottinghamshire County Council Trading Standards Service.

Human Rights Act 1998: Under Article 1 of the First Protocol of the European Convention on Human Rights every legal or natural person is entitled to peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law. In waiving all rights in the articles listed above I recognise that I have no rights in the intellectual property in any copyright and/or registered trademarks contained in or on those items, and/or that the items do not comply with the relevant labelling/safety legislation, and that the items would be liable to be forfeited by the courts if an application was so made.

Signed: (Person At Premises)	
Print Name: (Person At Premises)	DEEPAK
Signed (On Behalf of the Trading Standards Service)	
Print Name: (On Behalf of the Trading Standards Service)	REBECCA PERCY



Trading Standards Service

County House, 100 Chesterfield Road South, Mansfield, Nottinghamshire NG19 7AQ
Tel: (01529) 452005 email: trading.standards@nottscc.gov.uk
015 804 1147

Owner of Business: Shalini Sharma Trading Name: Beeston Essentials
Address: 24 High Road, Beeston, Notts
NG9 2SP Contact Tel. No: [REDACTED]

VISIT REPORT

The following areas have been inspected:

Shop floor
Back store room.

The undermentioned matters are brought to your attention and require corrective action* where indicated:

N14420313 - AK2 - 6x LTB, Found under the sink

~~RP~~ PI0625931 - AK3 - 6x LTB Found in black
laptop sleeve in the back room.
1x LTB

Seized under Standardised packaging of tobacco product
regulations 2015 + tobacco and related products
regulations 2016.

***PLEASE TELEPHONE THE OFFICE SHOWN ABOVE TO ADVISE US THAT THE NECESSARY CORRECTIVE ACTION HAS BEEN TAKEN.**

Business Information Sheets provided:

In offering this advice we wish to make it clear that:

Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. It is not necessarily comprehensive and is subject to revision in the light of further information. Only the courts can interpret statutory legislation with any authority. This advice is not intended to be a definitive guide to, nor substitute for, the relevant law. Independent legal advice should be sought where appropriate.

Name of Officer: Rebecca Percy

Signature: [REDACTED]

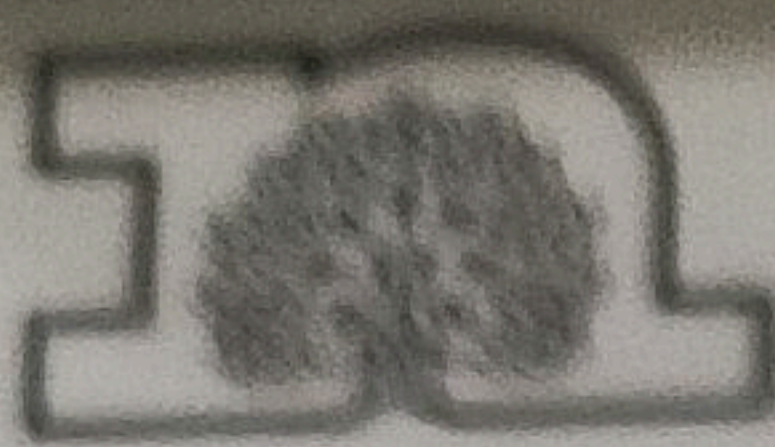
Date: 13/4/20 Time: 10.49

Report received by: Deepak Sharma

Signature: [REDACTED]

Position: Staff

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Trading Standards Service

County House, 100 Chesterfield Road South, Mansfield, Nottinghamshire NG19 7AQ
Tel: (01623) 452005 email: trading_standards@nottscc.gov.uk

Owner of Business: Deepak Sharma Trading Name: Beoston essentials
Address: 24 High Road, Beoston, NG9 2JP Contact Tel. No: [REDACTED]

VISIT REPORT

The following areas have been inspected:

In spectrum of Shop floor & rear store room under tobacco related
Product regulation 2015.

The undermentioned matters are brought to your attention and require corrective action* where indicated:

A number of illegal vapes and tobacco seized - RP-1 & RP-2

***PLEASE TELEPHONE THE OFFICE SHOWN ABOVE TO ADVISE US THAT THE NECESSARY CORRECTIVE ACTION HAS BEEN TAKEN.**

Business Information Sheets provided:

In offering this advice we wish to make it clear that:

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Name of Officer: Annie Kinsley
Signature: [REDACTED]
Date: 16/06/25 Time: _____

Report received by: DEEPAK SHARMA
Signature: [REDACTED]
Position: MANAGER

This matter is being dealt with by:
Trading Standards
Reference: 395325
T 0115 8041147
E trading.standards@nottscc.gov.uk
W nottinghamshire.gov.uk

**Private and Confidential
To be opened by addressee only**

S Sharma – Director
DSA PVT Ltd T/A Beeston Essentials
24 High Road
Beeston
Nottingham
NG9 2JP

25 June 2025

Dear Ms Sharma

**Re: Standardised Packaging of Tobacco Regulations 2015 (SPOTS)
General Product Safety Regulations 2005 (GPSR)
Trademarks Act 1994 (TMA)
Tobacco Products Duty Act 1979
Environmental Protection (Single-use Vapes) (England) Regulations 2024
Tobacco and Related Products Regulations 2016
Advice for retailers of e-cigarettes and nicotine-containing e-liquids**

On the afternoon of 16th June 2025, Nottinghamshire County Council Trading Standards carried out an inspection at your premises – Beeston Essentials, 24 High Road, Beeston, NG9 2JP, as we received complaints that your shop premises is alleged to be selling single-use / disposable vapes. During the visit, a number of non-compliant vapes, cigarettes and hand rolling tobacco was seized. All these products were in breach of the above legislation in that –

- The cigarettes failed the general safety requirement of GPSR, as some were found not to have the required safety features in the cigarette paper that causes the cigarette to self-extinguish.
- The cigarettes did not comply with the Standardised Packaging of Tobacco Regulations 2015, which requires all tobacco to be sold in plain 'olive coloured' packs and have specified health warnings in English.
- Some of the cigarettes were counterfeit – that is they were fakes/copies of a real brand but not produced with their permission. This is an offence under the Trademarks Act 1994
- The hand-rolling tobacco did not contain the UK duty-paid fiscal mark which is in breach of the Tobacco Products Duty Act 1979.
- Some of the vapes were for single-use / disposable which is a breach of the Environmental Protection (Single-Use Vapes) (England) Regulations 2024
- Some of the vapes were above the legal capacity and did not have the correct labelling for the UK market

Please be advised that the products seized will be destroyed by Nottinghamshire County Council Trading Standards.

You should be aware that having these products in your possession/control for supply is a criminal offence contrary to the above legislation. Conviction in the Magistrates Court could result in a fine and or prison sentence of up to 3 months, and in the Crown Court up to 2 years in prison.

This letter serves as an **official warning** regarding the sale of non-compliant vapes and tobacco products, any further breaches of the legislation may result in further enforcement action by Nottinghamshire County Council Trading Standards Service.

OFFICIAL SENSITIVE WHEN COMPLETE

Our enforcement policy is available to view at www.nottinghamshire.gov.uk/media/dekeevsd/enforcementpolicy.pdf

The Council is committed to protecting your privacy and ensuring all personal information is kept confidential and safe.

For more details see our general and service specific privacy notices at <https://www.nottinghamshire.gov.uk/global-content/privacy>

As stated above, we do not intend to take any further action at this time, as such, are issuing this warning letter and some advice.

Advice Relating to Compliance of Vape Products

MHRA (Medicines & Healthcare products Regulatory Agency) has issued the following advice to help retailers check e-cigarette and e-liquid products for compliance with the Tobacco and Related Products Regulations 2016.

Product Requirements

These apply to e-cigarettes (including rebuildable devices, those sold without nicotine content and components and replacement parts) and to e-liquids (refill containers for e-cigarettes):

- Maximum tank size of an e-cigarette, 2ml (when assembled if necessary)
- Maximum strength of nicotine-containing liquid if present, 20mg/ml nicotine
- Maximum volume of a nicotine-containing refill container, 10ml
- Tamper-evident and child-resistant packaging

Labelling Requirements

On pack as sold (must be on bottle or device if no outer packaging):

- List of ingredients in nicotine-containing liquid if present
- Indication of nicotine content and delivery per dose
- Batch number
- Recommendation to keep the product out of the reach of children
- Prominent health warning in black text on a white background on front and back - "This product contains nicotine which is a highly addictive substance"
- Prohibited on packs – offers and discounts, product safety / health claims

Unless all these details are included on the pack, an accompanying leaflet must include:

- Instructions for use and storage, including instructions for refilling where appropriate
- Contra-indications, warnings for specific risk groups and possible adverse effects, addictiveness, and toxicity
- Contact details of the producer; also, a contact within the UK if the producer is based outside the UK (this may be an EU contact for products supplied in Northern Ireland)

Exceptions Where These are not Required

- Identical replacement parts where you and the consumer can clearly identify from the labelling the notified e-cigarette product for which the part is a replacement
- Parts such as battery units that do not come into contact with nicotine-containing liquid when in use
- A disposable e-cigarette or e-liquid product containing 0mg nicotine when sold

Notification Requirements

Always check with your supplier that the products you are offered have been notified to MHRA.

You can verify this by checking the MHRA published lists of notified products, on

www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products#notified-products-for-great-britain-and-northern-ireland which is updated weekly. If a product has not been notified the

manufacturer or importer may not supply it to you.

Product Safety Issues

Side effects and safety concerns with e-cigarettes or e-liquids (refill containers) can be reported to MHRA through the Yellow Card reporting system - <https://yellowcard.mhra.gov.uk/>

Products suspected to be defective or non-compliant report to local Trading Standards or to TPDsafety@mhra.gov.uk. Do feel free to pass this message on to consumers on your website and in your shop.

More detailed information is available on the MHRA web page together with links to advice on other areas such as advertising and cross-border selling which are not the responsibility of MHRA. Additional advice may be available from your local Trading Standards team or by contacting MHRA at info@mhra.gov.uk.

I would recommend to visit the link for detailed guidance on labelling and standardised packaging requirements for tobacco products: <https://www.businesscompanion.info/en/quick-guides/miscellaneous/tobacco-vapes-etc-packaging-labelling-advertising-and-tracking#Tobaccoproductsfor Smoking>

It is important to read and understand the guidance to ensure you and all your staff are fully complying with all the relevant requirements, if you fail to comply then you could be committing a criminal offence.

If you require more advice, please see www.businesscompanion.info which has a range of advice for traders alternatively, for specific advice you can contact the Trading Standards Commercial Team for chargeable advice on 0115 804 2912 or tscommercial@nottscc.gov.uk.

Yours sincerely



Rebecca Percy
Nottinghamshire County Council

In offering advice, the County Council wishes to make it clear that:

- i) Only the courts can interpret statutory legislation with any authority and:*
- ii) The advice given is the best available, based on evidence to hand at the time, and is subject to revision or amendment in the light of further evidence and:*
- iii) the advice is not intended to be a definitive guide to, or substitute for, the relevant law. Independent legal advice should be sought where appropriate.*

WITNESS STATEMENT**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9**

Statement of: Annie Kinsley

Age: Over 18

Occupation: Trading Standards Officer

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date: 13/04/2026

I am the above Trading Standards Officer based with Nottinghamshire County Council.

On Monday 13th April 2026, I conducted a test purchase at Beeston Essentials 24 High Road, Beeston, Nottinghamshire, NG92JP.

At 10:20 I entered the premise and asked the male behind the counter for a packet of Richmond he then produced a packet of cigarettes that were £15 so I asked him for something cheaper. He then asked if L&B were ok to which I said yes. He went into the back room and returned with a packet of L&B Original. I gave him £10 and left the store.

I would describe the male as middle aged, of medium build, short to medium height, dark hair, Asian.

At 10:34 I entered the premise accompanied by Rebecca PERCY – Trading Standards officer and Brian COSTELLO – Trading Standards investigator. I conducted a search of the rear store room. Under the sink I located 6x packets of L&B Original which I seized as AK-2. I then located 6x packets of L&B Original and 1x Packet of L&B Brilliantly British which I seized as AK-3. These were believed to be non-compliant with The Tobacco and Related Products Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015. Present at the time of visit was Deepak SHARMA.

At approximately 10:49, we left the premise and returned to our office at County House, Mansfield and put AK-1, AK-2, AK-3 into secure storage.

I had unintentionally written AK-3 on the AK-2 exhibit, I changed this to AK-2, having initialled the change on the bag.

Signed:



Statement taken by:

BlackBerry / CCTV Digital Image Exhibit



IMPORTANT: THIS FORM WILL BE DISCLOSED. YOU MUST NOT RECORD ANY INFORMATION THAT MAY IDENTIFY VICTIM/WITNESS ADDRESS OR IDENTITY.

Nottinghamshire Police				Continuity Evidence	
Division / Dept		Notts County Trading Standards		Signed	
Person taking possession		BRIAN COSTELLO		Rank / Role	
Time		Date		Date	
1035 hrs		13/04/2026		13/04/2026	
Place		BEESTON ESSENTIAL, 24 HIGH ROAD BEESTON		Print Name	
DO NOT USE VICTIM/WITNESS ADDRESS				BRIAN COSTELLO	
Description of item				Signed	
IMAGE OF WHEELIE BIN IN REAR YARD				Rank / Role	
Identifying mark		BAC 2		Date	
Witnessing ref no				Print Name	
Action no				Signed	
OTFP no				Rank / Role	
FOR COURT USE ONLY				Date	
Exhibit no				Print Name	
Regina V				Signed	
Signed				Rank / Role	
Justice of the peace/clerk				Date	
Date				Print Name	
Description					

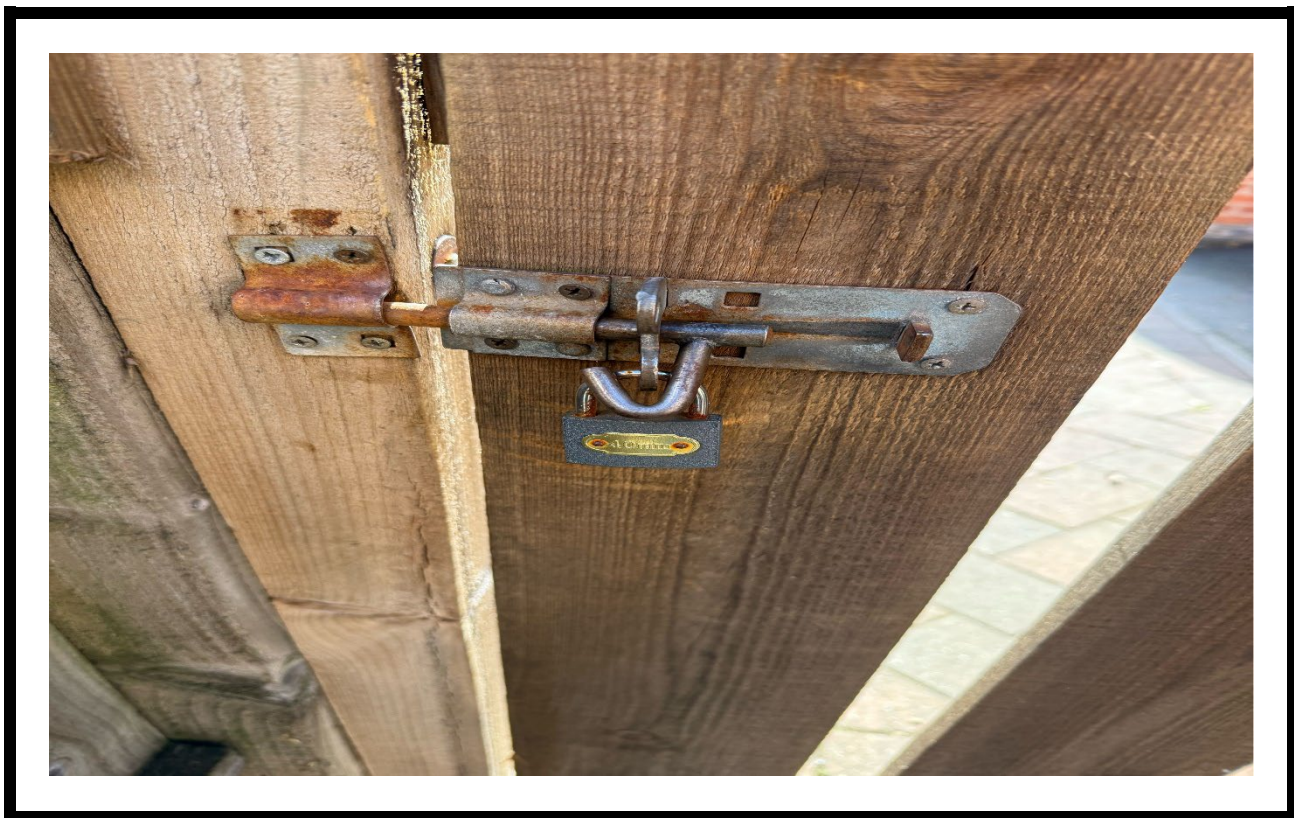
BlackBerry / CCTV Digital Image Exhibit



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Nottinghamshire Police				Continuity Evidence	
Division / Dept		Notts County Trading Standards		Signed	
Person taking possession		BRIAN COSTELLO		Rank / Role	
Time		Date		Date	
1035 hrs		13/04/2026		13/04/2026	
Place		BEESTON ESSENTIAL, 24 HIGH ROAD, BEESTON		Print Name	
DO NOT USE VICTIM/WITNESS ADDRESS				BRIAN COSTELLO	
Description of item				Signed	
IMAGE OF BIN LINER IN WHEELIE BIN				Rank / Role	
Identifying mark		BAC 3		Date	
Witnessing ref no				Print Name	
Action no				Signed	
OTFP no				Rank / Role	
FOR COURT USE ONLY				Date	
Exhibit no				Print Name	
Regina V				Signed	
Signed				Rank / Role	
Justice of the peace/clerk				Date	
Date				Print Name	
Description					

BlackBerry / CCTV Digital Image Exhibit



IMPORTANT: THIS FORM WILL BE DISCLOSED. YOU MUST NOT RECORD ANY INFORMATION THAT MAY IDENTIFY VICTIM/WITNESS ADDRESS OR IDENTITY.

Nottinghamshire Police				Continuity Evidence	
Division / Dept		Notts County Trading Standards		Signed	
Person taking possession		BRIAN COSTELLO		Rank / Role	
Time		Date		Date	
1035 hrs		13/04/2026		13/04/2026	
Place		BEESTON ESSENTIAL, 24 HIGH ROAD, BEESTON		Print Name	
DO NOT USE VICTIM/WITNESS ADDRESS				BRIAN COSTELLO	
Description of item				Signed	
IMAGE OF LOCKED GATE IN REAR YARD				Rank / Role	
Identifying mark		BAC 4		Date	
Witnessing ref no				Print Name	
Action no				Signed	
OTFP no				Rank / Role	
FOR COURT USE ONLY				Date	
Exhibit no				Print Name	
Regina V				Signed	
Signed				Rank / Role	
Justice of the peace/clerk				Date	
Date				Print Name	
Description					

BlackBerry / CCTV Digital Image Exhibit



IMPORTANT: THIS FORM WILL BE DISCLOSED. YOU MUST NOT RECORD ANY INFORMATION THAT MAY IDENTIFY VICTIM/WITNESS ADDRESS OR IDENTITY.

Nottinghamshire Police				Continuity Evidence	
Division / Dept		Notts County Trading Standards		Signed	
Person taking possession		BRIAN COSTELLO		Rank / Role	
Time		Date		Date	
1035 hrs		13/04/2026		13/04/2026	
Place		BEESTON ESSENTIAL, 24 HIGH ROAD, BEESTON		Print Name	
DO NOT USE VICTIM/WITNESS ADDRESS				BRIAN COSTELLO	
Description of item				Signed	
IMAGE OF FAMILY HIGH RANGE CANNABIS SWEETS				Rank / Role	
Identifying mark		BAC 5		Date	
Witnessing ref no				Print Name	
Action no				Signed	
OTFP no				Rank / Role	
FOR COURT USE ONLY				Date	
Exhibit no				Print Name	
Regina V				Signed	
Signed				Rank / Role	
Justice of the peace/clerk				Date	
Date				Print Name	
Description					

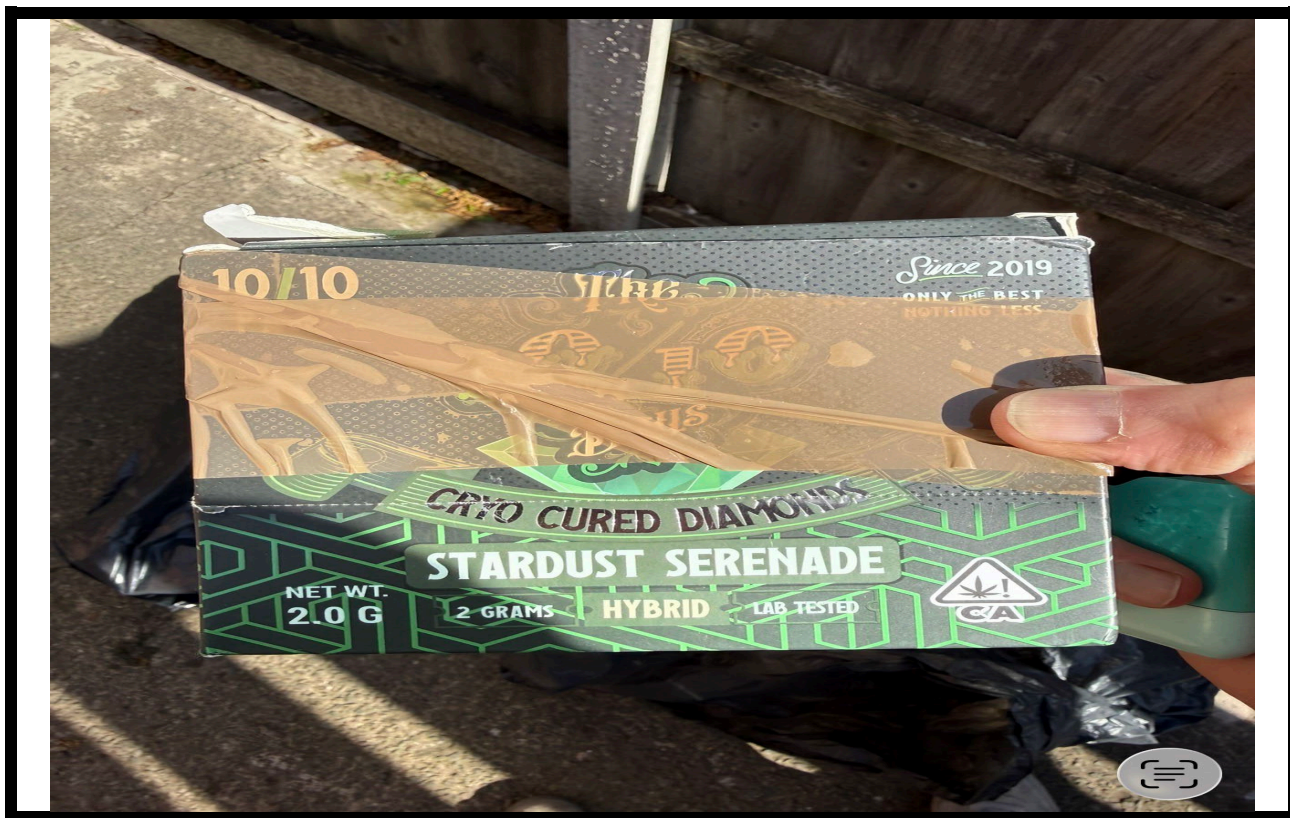
BlackBerry / CCTV Digital Image Exhibit



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Nottinghamshire Police		Continuity Evidence	
Division / Dept	Notts County Trading Standards	Signed	
Person taking possession	BRIAN COSTELLO	Rank / Role	INVESTIGATOR
Time 1035 hrs	Date 13/04/2026	Date	13/04/2026
Place DO NOT USE VICTIM/WITNESS ADDRESS	BEESTON ESSENTIAL, 24 HIGH ROAD, BEESTON	Print Name	BRIAN COSTELLO
Description of item	IMAGE OF FAMILY HIGH RANGE CANNABIS SWEETS	Signed	
Identifying mark		Rank / Role	
Witnessing ref no	BAC 6	Date	
Action no		Print Name	
OTFP no		Signed	
FOR COURT USE ONLY		Rank / Role	
Exhibit no		Date	
Regina V		Print Name	
Signed		Signed	
Justice of the peace/clerk		Rank / Role	
Date		Date	
Description		Print Name	

BlackBerry / CCTV Digital Image Exhibit



IMPORTANT: THIS FORM WILL BE DISCLOSED. YOU MUST NOT RECORD ANY INFORMATION THAT MAY IDENTIFY VICTIM/WITNESS ADDRESS OR IDENTITY.

Nottinghamshire Police		Continuity Evidence	
Division / Dept	Notts County Trading Standards	Signed	
Person taking possession	BRIAN COSTELLO	Rank / Role	INVESTIGATOR
Time	1035 hrs	Date	13/04/2026
Place	BEESTON ESSENTIAL, 24 HIGH ROAD, BEESTON	Print Name	BRIAN COSTELLO
Description of item IMAGE OF STARDUST SERENADE CANNABIS VAPES		Signed	
Identifying mark	BAC 7	Rank / Role	
Witnessing ref no		Date	
Action no		Print Name	
OTFP no		Signed	
FOR COURT USE ONLY		Rank / Role	
Exhibit no		Date	
Regina V		Print Name	
Signed		Signed	
Justice of the peace/clerk		Rank / Role	
Date		Date	
Description		Print Name	

BlackBerry / CCTV Digital Image Exhibit



IMPORTANT: THIS FORM WILL BE DISCLOSED. YOU MUST NOT RECORD ANY INFORMATION THAT MAY IDENTIFY VICTIM/WITNESS ADDRESS OR IDENTITY.

Nottinghamshire Police		Continuity Evidence	
Division / Dept	Notts County Trading Standards	Signed	
Person taking possession	BRIAN COSTELLO	Rank / Role	INVESTIGATOR
Time	1035 hrs	Date	13/04/2026
Place	BEESTON ESSENTIAL, 24 HIGH ROAD, BEESTON	Print Name	BRIAN COSTELLO
Description of item		Signed	
IMAGE OF 10/10 BOYS CANNABIS VAPES		Rank / Role	
Identifying mark	BAC 8	Date	
Witnessing ref no		Print Name	
Action no		Signed	
OTFP no		Rank / Role	
FOR COURT USE ONLY		Date	
Exhibit no		Print Name	
Regina V		Signed	
Signed		Rank / Role	
Justice of the peace/clerk		Date	
Date		Print Name	
Description			

BlackBerry / CCTV Digital Image Exhibit



IMPORTANT: THIS FORM WILL BE DISCLOSED. YOU MUST NOT RECORD ANY INFORMATION THAT MAY IDENTIFY VICTIM/WITNESS ADDRESS OR IDENTITY.

Nottinghamshire Police				Continuity Evidence	
Division / Dept		Notts County Trading Standards		Signed	
Person taking possession		BRIAN COSTELLO		Rank / Role	
Time		Date		Date	
1035 hrs		13/04/2026		13/04/2026	
Place		BEESTON ESSENTIAL, 24 HIGH ROAD BEESTON		Print Name	
DO NOT USE VICTIM/WITNESS ADDRESS				BRIAN COSTELLO	
Description of item				Signed	
IMAGE OF MILLIONS ROPE CANNABIS SWEETS				Rank / Role	
Identifying mark		BAC 9		Date	
Witnessing ref no				Print Name	
Action no				Signed	
OTFP no				Rank / Role	
FOR COURT USE ONLY				Date	
Exhibit no				Print Name	
Regina V				Signed	
Signed				Rank / Role	
Justice of the peace/clerk				Date	
Date				Print Name	
Description					

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- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

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.

Counter terrorism and public safety

- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 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

- 2.15 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

- 2.16 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

- 2.17 “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.
- 2.18 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

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

and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.19 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 entertainment.

Public nuisance

- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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.
- 2.24 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.

- 2.25 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.
- 2.26 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

- 2.27 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.
- 2.28 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.
- 2.29 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.

- 2.30 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.
- 2.31 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.
- 2.32 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

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

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.

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 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) 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 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 play 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.

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. 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. 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, 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.)

11. Reviews

The review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK

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representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

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.

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:

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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.)

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK

or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.

- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a

cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.

- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)⁶;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.

⁶ See chapter 16 in relation to the licensing of live and recorded music.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go

beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social

Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for

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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

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LICENSING HEARING

Mobile phones must be turned off throughout the hearing.

Procedure for Hearing:

1. The Chair will welcome everyone to the meeting and introduce the panel, legal advisor and clerk. All parties attending the hearing will be asked to introduce themselves. The Chair will explain the purpose of the hearing and consideration will be placed on the application, 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.
2. 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.
3. The Legal Advisor will be there to ensure the procedure is followed and to answer any questions the Councillors may have.
4. A representative of the Licensing Team presents the overview report.
5. The Panel, Applicant or those making representations may ask questions of the report content.
6. Chair invites the Applicant to outline his application and address the relevant representations
7. After the applicant has spoken the Chair will invite each interested party to ask questions through the Chair
 - Licence holder
 - Responsible Authorities
 - Representors
 - Licensing Committee members
8. After each speaker the Chair will invite the Applicant or his representative to respond through the Chair
9. The Chair invites the Licence holder to put forward their representations.
10. After the Licence holder has spoken the Chair will invite each interested party to ask questions through the Chair
 - Applicant
 - Representors
 - Licensing Committee members

11. The Chair invites each Representor to put forward their representation.
12. After each Representor has spoken the Chair will invite each interested party to ask questions through the Chair
 - Applicant
 - Responsible Authorities
 - Representors
 - Licensing Committee members
13. After each speaker the Chair will invite the Representor to respond through the Chair.
14. The Chair asks the parties in the following order whether they have anything further to add as a closing statement.
 - Applicant
 - Licence holder
15. Having clarified that all parties have had a fair hearing, the meeting will be closed and the panel will meet forthwith to determine the matter.
16. The decision together with notification of the right to appeal will be given in writing to all parties within 5 working days of the meeting.

NB The Chair may vary the procedure as necessary to ensure that a “directed discussion” takes place.

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