

**ALCOHOL AND ENTERTAINMENT LICENSING PANEL HEARING
APPLICATION FOR A PREMISES LICENCE**

Tuesday 11th October @10:00

**The Council Chamber
Broxtowe Borough Council
Foster Avenue
Beeston
Nottingham
NG9 1AB**

Applicant:	Heron Foods Limited	
Premises applied for:	Heron Foods 46-48 Blenheim Drive Beeston Nottingham NG9 5ES	
Type of application:	S17 Licensing Act 2003 Application for a new premises licence	
Date application received	24.08.2022	
Consultation period end	21.09.2022	
Licensable Activities applied for:	Sale of Alcohol OFF the premises	
Variation(s) applied for:	N/A	
Hours applied for:	Monday – Saturday	07:00 – 22:00
	Sunday	08:00 – 20:00
Hours open to Public:	Monday – Saturday	07:00 – 22:00
	Sunday	08:00 – 20:00
Proposed Designated Premises Supervisor	Andrew Calcott	
Steps applicant proposes to take to promote the Licensing Objectives.	<p>See Conditions agreed with Nottinghamshire Police Licensing Team 21.09.2022</p> <p>The applicant has also provided copies of robust training procedures in respect of staff training regarding the sale of alcohol to prevent under age sales. These are commercially sensitive documents and do not form part of the hearing bundle. The Licensing Manager has reviewed these documents and is satisfied that they address the issues relating to the prevention of under age sales</p>	

Representations:	Licensing Objectives			
	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
Responsible Authorities				
No Representations received	N/A	N/A	N/A	N/A
Interested Parties				
Mr Paul Malone	X		X	
Attendances on behalf of the Applicant:	Mr Christopher Rees-Gay Woods Whur 2014 Limited Solicitor			
	Laura Baker Heron Foods Limited Property Department/Head of Licensing			
	Andrew Calcott Area Manager/DPS Heron Foods Limited			
Attendances on behalf of Interested Parties	None			
Attached documents	<ul style="list-style-type: none"> • Application • DPS Consent Form • Plan • Relevant representation • Conditions agreed with Police 21.09.22 			

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.

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

- **Prevention of crime and disorder**
- **Prevention of Public Nuisance**

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

The issues coming before the panel should be addressed as follows:

Relevance of representations.

- What weight should be given to the representation.

Consideration of the application

Whether upon consideration of the facts, that the grant of an application by Heron Foods Limited in the terms applied for will undermine the licensing objectives above.

In considering this application, the Alcohol and Entertainment Sub-Committee will have regard to:

The representation from the Interested Party:

Note: although stamped 22.09.2022 the representation was received on 21.09.2022 and prior to the close of the consultation period. (JM)

The Licensing Act 2003, and in particular:

S4 General duties of licensing authorities

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

S18 Determination of application for premises licence

- (1) This section applies where the relevant licensing authority—
 - (a) receives an application for a premises licence made in accordance with section 17, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—
 - (a) such conditions as are consistent with the operating schedule accompanying the application, and
 - (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must—

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- (4) The steps are—
 - (a) to grant the licence subject to—
 - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.
- (5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.
- (6) For the purposes of this section, “relevant representations” means representations which—
 - (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
 - (b) meet the requirements of subsection (7),
 - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
 - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).
- (7) The requirements of this subsection are—
 - (a) that the representations were made by a responsible authority or other person] within the period prescribed under section 17(5)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the authority determines for the purposes of subsection (7)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (9) The requirements of this subsection are that the representations—
 - (a) were made by a chief officer of police for a police area in which the premises are situated, and
 - (b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.
- (10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of—
 - (a) different parts of the premises concerned;
 - (b) different licensable activities.

The council's "Statement of Licensing Policy" 2019 – 2024 and in particular:

Sections 6 and 7 of that policy

And:

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 (see below).
- (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.

Sections 6 and 7 of the Council's Statement of Licensing Policy 2019-2024

Their duties under section 17 of the Crime and Disorder Act 1998.

ALCOHOL AND ENTERTAINMENT LICENSING PANEL

The overall intention is to hold a “directed discussion” on the issues

Procedure for hearing of application

1. The Chair will welcome everyone to the meeting
2. The Chair or Legal Advisor will explain the reason for the hearing and explain the protocol.
3. Legal Adviser will identify each of the parties to the hearing and inquire whether the parties have understood the hearing procedure
4. Chair considers requests for witnesses to be called by each of the parties (If any).
5. Chair assesses and then agrees the maximum period of time in minutes to be permitted for each party to address the relevant representations.
6. Chair invites the Applicant to outline his application and address the relevant representations and call any witnesses as agreed
7. After The applicant has spoken the Chair will invite each interested party to ask questions through the Chair
 - Interested parties
 - Licensing Committee members
8. After each speaker the Chair will invite the Applicant for his representative to respond through the Chair
9. The Chair invites the Interested party to address the relevant representations and call any witnesses (if any) as agreed
10. After each speaker the Chair will invite the Applicant to respond through the Chair
11. The Chair asks the parties in the following order whether they have anything further to add as a closing statement.
 - Interested Parties;
 - Applicant.
12. 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

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.