

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date 16<sup>th</sup> July 2012

Report of the Head of Corporate Services.

### **APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

#### **1. PURPOSE**

To consider an application for a premise licence received by this Authority on the 21<sup>st</sup> May 2012 from Personal Licence Training Limited on behalf of applicant Upo's Fish and Chip Limited, 42 High Street, Woodville Derbyshire, DE11 7EA (**application attached at Appendix 1**).

Upo's Fish Bar does not currently hold a premises licence.

#### **2. BACKGROUND**

2.1 This is the original application for a premises licence.

2.2 The applicant is seeking a premise licence with times and types of licensable activities as indicated below in paragraph 4.

#### **3. EXISTING LICENCE**

3.1 No current premises licence exists at Upo's Fish Bar.

#### **4. NEW APPLICATION DETAILS**

4.1.1 The proposed premises licence is seeking permission for the retail supply of alcohol for consumption off the premises from: -

Sunday to Saturday      11.30hrs until 22.00hrs

4.2 The hours premises are open to the public will be: -

Sunday to Saturday      11.30hrs until 22.00hrs

4.3 The steps the applicant intends to take to promote all four licensing objectives can be seen at Page 19 and 20 included in the application. (**Appendix 1**)

#### **5. CONSULTATION RESPONSES**

Derbyshire Constabulary - Representation regarding premises licence and proposed conditions regarding application. (**Appendix 2**)

Derbyshire Fire Service -	No Representation
Derbyshire Social Services -	No Representation
Trading Standards -	No Representation
Environmental Health -	No Representation
SDDC Planning Authority -	No Representation
Health & Safety (SDDC) -	No Representation
Derbyshire County Primary Care Trust -	No Representation
Interested Parties -	No Representation

## 6. COMMENTS

6.1 The hearing will proceed in accordance with the Council's Statement of Licensing Policy considered by the Licensing and Appeals Committee on the 11<sup>th</sup> November 2010.

6.2 A representation and proposed conditions have been received from the Derbyshire Constabulary regarding the application. **(Appendix 2)**

6.3 On 1<sup>st</sup> June 2012 Personal Licence Training Limited submitted additional conditions to the Licensing Authority. **(Appendix 3)**

6.4 The Licensing Objectives are matters that should be given paramount importance (guidance issued under section 182 of the Licensing Act 2003, **(Appendix 4)**)

The licensing objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance and
- The protection of children from harm

7. Options available to the Licensing Sub-Committee are:

1. Approve the application with no additional conditions attached.
2. Approve the application subject to modifications and/or add conditions, as the Authority considers necessary for the promotion of the Licensing Objectives.
3. To reject the application.

The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the interested party.

## APPENDICES

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Derbyshire Constabulary representation and proposed conditions regarding application.
3. Additional conditions submitted by Personal Licensing Consultants Training.
4. Guidance issued under section 182 of the Licensing Act 2003, in relation to licensing objectives.





Personal Licence Training Limited  
Unit 3, The Oaks,  
Clews Road, Redditch  
Worcestershire B98 7ST

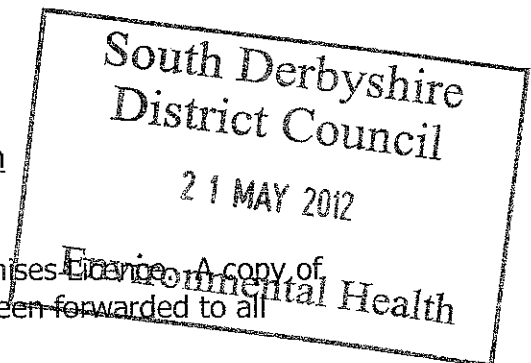
Date as Postmark

For the Attention of The Head of Licensing

Dear Sirs

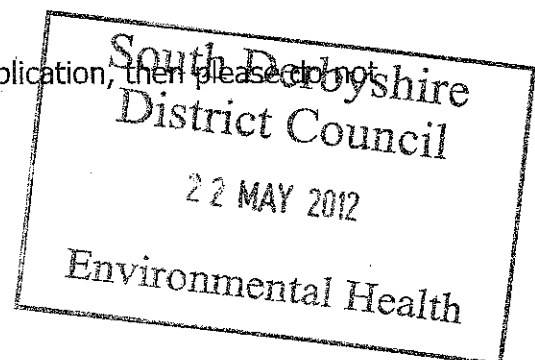
New Premises Licence Application

Please find enclosed an application for a new Premises Licence. A copy of this application and all appropriate consent forms have been forwarded to all responsible authorities.



Please confirm the date you received and accepted the application by e-mail or by letter to assure we have the correct information on the Blue Notices and in the newspaper advert.

If you have any queries regarding this application, then please do not hesitate to contact me to discuss further.



Kind Regards

Jo Taylor  
Licensing Team  
Personal Licence Training Ltd.

5.



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** UPO'S FISH & CHIP LIMITED

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> UPO'S FISH BAR 42 HIGH STREET			
<b>Post town</b>	WOODVILLE	<b>Post code</b>	DE11 7EA
<b>Telephone number at premises (if any)</b>			
<b>Non-domestic rateable value of premises</b>		£16500	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	



Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

### (B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name UPO'S FISH & CHIP LTD
Address 91 SOHO HILL HOCKLEY BIRMINGHAM B19 1AY
Registered number (where applicable) 06532932
Description of applicant (for example, partnership, company, unincorporated association etc.) A PRIVATE LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)  
A PURPOSE BUILT BRICK PREMISES OPERATING AS A FISH & CHIP RESTAURANT AND  
TAKEAWAY

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the  
Licensing Act 2003)

**Provision of regulated entertainment**

Please tick yes

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

**Provision of entertainment facilities:**

- |  |                          |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I)  | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

☐

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

☒

In all cases complete boxes N, O and P

# A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						



# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>				
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)			Indoors	<input type="checkbox"/>
						Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Day	Start	Finish					
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)				
Tue							
Wed			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)				
Thur							
Fri			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)				
Sat							
Sun							

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>	
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Wed				
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun				

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11.30	22.00			
Tue	11.30	22.00			
Wed	11.30	22.00			
Thur	11.30	22.00			
Fri	11.30	22.00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11.30	22.00			
Sun	11.30	22.00			

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

<b>Name</b> MR MAKHAN SINGH RANU	
<b>Address</b> 41 HALF MOON CRESCENT LEICESTER	
<b>Postcode</b>	LE2 4HD
<b>Personal Licence number (if known)</b> OWPS0295	
<b>Issuing licensing authority (if known)</b> OADBY & WIGSTON BOROUGH COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
Mon	11.30	22.00	
Tue	11.30	22.00	
Wed	11.30	22.00	
Thur	11.30	22.00	
Fri	11.30	22.00	
Sat	11.30	22.00	
Sun	11.30	22.00	



**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

The DPS fully understands his roles and responsibilities concerning the four licensing objectives obtained within the 2003 Licensing Act, a comprehensive breakdown of these objectives and how to ensure they are met are detailed below. The DPS attended the level 2 training programme and his personal licence was issued by Oadby & Wigston Borough Council. The DPS will take full responsibility of ensuring all staff are trained and have full knowledge of all licensing issues concerning them under the 2003 Licensing Act including the Challenge 25 rule.

**b) The prevention of crime and disorder**

The client has installed to the premises a CCTV digital recording system with a minimum of 31 days recording capability to ensure the prevention of crime & disorder. The CCTV will follow the DCMS guidelines for camera systems in licensed premises and will be in accordance with Police recommendations. All members of staff shall be trained to deal with suspicious customers efficiently. All CCTV recordings shall be available to local Police immediately upon request. One member of staff shall be trained to keep the CCTV in full working order at all times.

**c) Public safety**

The installed and approved CCTV digital recording system of the premises with a minimum of 31 days recording capability, will monitor all public safety issues. The DPS will be responsible for conducting a Fire Risk Assessment and also a Health & Safety Risk Assessment for the licensed premises. All notices in relation to public health & safety will be displayed at the premises. The DPS will also ensure the premises will be operated in line with the Health & Safety Act and any environmental health issues will be the responsibility of both the licence holder for the premises and the DPS.

**d) The prevention of public nuisance**

The DPS/Premises licence holder fully understands that it is their duty to prevent their business causing any nuisance to any local residents or businesses. They will monitor the external premises area in relation to any anti-social behaviour or public nuisance. The premises will only accept trade deliveries or rubbish collections during normal working hours. The DPS will also monitor the exterior of the premises to ensure litter is kept to a minimum. In the event of any anti-social behaviour both inside and outside of the premises, the DPS will make any CCTV recordings available to the local Police immediately.

**e) The protection of children from harm**

The DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the Challenge 25 Rule. The premises will only accept valid forms of identification such as photo driving licence, passport and home office approved ID cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their identity when purchasing alcohol. The premises will also have a refusals register, which will be kept at the premises at all times and all refusals by any member of staff shall be recorded. The register will be made available to Responsible Authorities on request. The sale of alcohol is for off the premises only and if an delivery is made and there is a suspicion surrounding the purchasers age, they will be asked for

ID and if necessary, the alcohol delivery will be refused, returned to the premises and recorded in the refusals register accordingly. A separate refusals register for the delivery vehicle will be provided and kept. All members of staff making home deliveries, will receive relevant training.

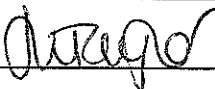
Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	21/05/2012
Capacity	Licensing Consultants on behalf of Client

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

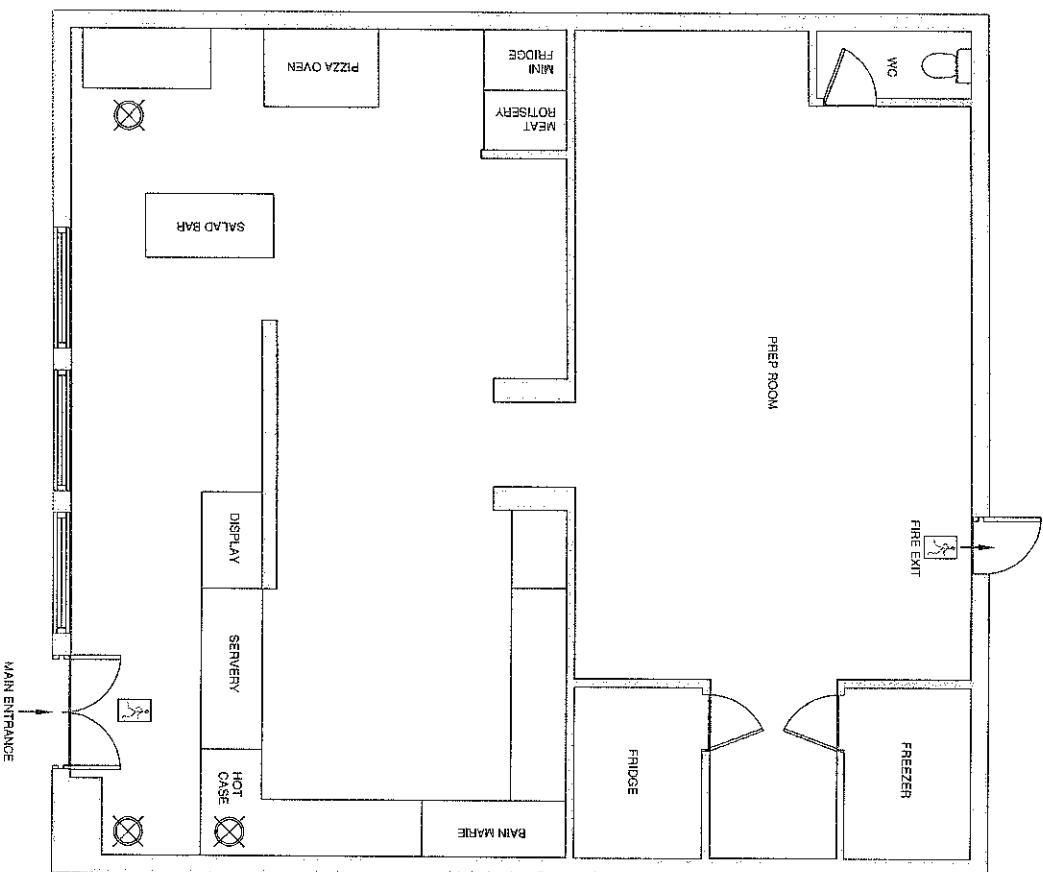
Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13) PERSONAL LICENCE TRAINING LTD UNIT 3 THE OAKS CLEWS ROAD			
<b>Post town</b>	REDDITCH	<b>Post code</b>	B98 7ST
<b>Telephone number (if any)</b>	01527 544 780		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> jo.taylor@personallicencetraining.co.uk			

### Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





**DRAWING SYMBOLS**  
/ Licensed Area

**Notes:**

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<b>Drawing No:</b> 002537	<b>Drawing Title:</b> Licensing Plan	<b>Drawing:</b> Upo's Fish Bar, 42 High Street Woodville DE11 7E	<b>Date:</b> 17.05.2012	<b>Sheet:</b> 1 of 1
<b>UK Surveyors Ltd</b> CAD Design & Building Surveying Services			<b>Do not scale off this plan</b>	
☎: Birmingham: 0121 647 4060 ☎: London: 0203 056 7537 ☎: Manchester: 0161 871 7006 ✉: enquiries@uksurveyors.net 🌐: www.uksurveyors.net			<b>Drawn By:</b> DJR	<b>Scale:</b> 1:100 @ A4



Consent of individual to being specified as premises supervisor

I MAKHAN SINGH RANU  
[full name of prospective premises supervisor]

of 41 HALF MOON CRESCENT  
LEICESTER  
LE2 4HD

.....  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

GRANT OF NEW PREMISES LICENCE  
[type of application]

by

UPO'S FISH & CHIPS LTD  
[name of applicant]

relating to a premises licence .....  
[number of existing licence, if any]

for

UPO'S FISH BAR  
42 HIGH STREET  
WOODVILLE  
DE11 7EA

.....  
[name and address of premises to which the application relates]





and any premises licence to be granted or varied in respect of this application made by

UPO'S FISH & CHIPS LTD  
[name of applicant]

concerning the supply of alcohol at

UPO'S FISH BAR.  
42 HIGH STREET  
WOODVILLE  
DE11 7EA.

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

OWPS0295

[insert personal licence number, if any]

Personal licence issuing authority

DADEBY & WIGSTON BOROUGH COUNCIL.

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

M.S.U.

Name (please print)

MAKHAN SINGH RANU

Date

21/5/12



**From:** Morley, Richard, 2766  
 [Richard.Morley.2766@Derbyshire.PNN.Police.UK]  
**Sent:** 15 June 2012 20:14  
**To:** Licensing Distribution  
**Subject:** UPO's Fish Bar  
 Dear Licensing,

I have been in consultation with the applicants solicitor for the above premises licence application, and to date we have been unable to agree a suitable way forward regarding the support of the licensing objectives. I have also liaised with the local SNT sergeant and section Inspector with regards to the above. I have emailed the applicants solicitor with a schedule of conditions in a final attempt to reach an agreement with regards to the application with a view to supporting the licensing objective. At this point in time I have not received a response.

Please could you therefore accept this email as formal notification of a representation to the Premises Licence Application for the above. Should I receive a suitable response from the applicants solicitor I shall rescind the representation. I shall inform you of the reply at my earliest opportunity.

Regards,

*Rich Morley*

**Police Constable 2766**  
**Licensing Enforcement Officer**

Derbyshire Constabulary  
 'D' Division Licensing Team  
 Prime Parkway

Chester Green  
 DERBY  
 DE1 3AB

**Tel:** 01332 613036 (Internal 760 3036)

**E-mail:** [richard.morley.2766@derbyshire.pnn.police.uk](mailto:richard.morley.2766@derbyshire.pnn.police.uk)

**Ext. E-mail:** [derby.licensing@derbyshire.pnn.police.uk](mailto:derby.licensing@derbyshire.pnn.police.uk)

**Int. Group E-mail:** [D.Licensing](mailto:D.Licensing)

**Web:** <http://www.derbyshire.police.uk>

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36.

Proposed Police Premises Licence Conditions  
for  
**UPO's Fish Bar,**  
42 High Street, Woodville.

1. A 'Challenge 25' age verification policy will be employed at the premise with regards to the sale of alcohol. This policy shall also be adopted for the delivery vehicle, when in use for the supply of alcohol to effect the onward transportation of a food delivery.
2. Clear signage in relation to the 'Challenge 25' age policy of the premises will be clearly displayed.
3. There will be sufficient signage in relation to the age policy in all areas where alcohol is displayed for sale, at the point of sale and on any literature that advertise the availability of delivery.
4. Any person who appears to be under the age of 25 years of age will be required to provide suitable proof of age before any alcohol is sold to them. This proof of age will be in the form of a photo driving licence, current passport, Ministry of Defence identity card or Government approved 'PASS' identification card scheme.
5. The refusal register shall be a 'heat bound' log book with sequentially numbered pages. Due to the offering of deliveries two refusal logs shall be operated, one within the premises and one located within the delivery vehicle.
6. All refusals in relation to the sale of alcohol will be entered in refusals books or registers kept for this purpose. These registers shall be kept on the premises for a minimum period of 1 year and will be produced upon request to a Police Officer or person as detailed within Section 13 of the licensing Act 2003.
7. A Personal Licence Holder shall be on the premises whilst they are open for licensable activities.
8. Full training is to be provided by the Designated Premises Supervisor to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. This training shall include the procedures for deliveries.
9. Refresher training will be provided at regular intervals (At least once every six months). Written records detailing the training will be kept on the premises for production to a constable or an authorised person as detailed within Section 13 of the Licensing Act 2003 upon request. These records shall be retained on the premises for a minimum of 1 year.

10. Any authorisation to sell alcohol will be in writing and this will be kept on the premises at all times. This authorisation is to include delivery personnel.
11. No consumption of alcohol will be permitted within the immediate vicinity of the premises. Signage advising customers of this fact shall be displayed both at the point of sale and the main facade of the building.
12. Alcohol shall only be sold directly to customers visiting the premises where the customer orders a substantial meal. This meal shall consist of several component parts. This should not be an 'individual' item of food stuff. Any other sale of alcohol shall be made solely in order to appropriate that alcohol to an order or contract previously agreed and effect the onward delivery.
13. A maximum of two alcoholic beverages shall be allowed with each individual meal, or multiples thereof. (For the avoidance of doubt; one meal entitles a maximum of two alcoholic beverages).
14. All home deliveries MUST be paid for at the time of order and if alcohol is purchased as part of that order a copy of the order shall be retained; detailing the full name, address and date of birth of the recipient.
15. Where a courier or similar company is utilised to carry out deliveries on behalf of the premises licence holder, this courier company or similar shall ensure that an age verification procedure is in place to prevent the delivery of alcohol to those persons under the age of 18.
16. The verification of the age of the person receiving the alcohol upon delivery shall only take place using photographic forms of identification such as a photo-card driving licence, a passport, Ministry of Defence identity card or a PASS accredited proof of age card.
17. The alcohol allocated to the order shall remain within the designated delivery vehicle until the age verification process has been completed.
18. The premises licence holder shall ensure that where alcohol is stored at the premises, the alcohol is stored in such a way that it is secured and that only authorised members of staff who are over the age of 16 have access to the alcohol stored.
19. The premises is restricted to stock and supply alcohol with a maximum ABV of 5%. There shall be no sale, supply or storage of wine, spirits, 'alco-pops' or vermouths from or on the premises including the delivery vehicle.
20. Alcohol shall not be sold or offered for sale at a reduced or discounted price.

21. A list of designated delivery vehicles should be retained on site. This list shall detail the vehicle registration number, driver and passenger details and areas covered.
22. A vehicle log book should be maintained within the vehicle that has the availability to record, driver details, times the vehicle is in use and the areas visited for the purposes of a delivery.
23. The person charged with making deliveries shall be a personal licence holder.
24. Where the premises licence holder employs, whether paid or unpaid, any person, that person shall have received training that must include confirmation that the employee has read and understood any conditions attached to the premises licence. The employee shall also be aware of the requirements / policies of restricting any delivery of alcohol to those persons aged 18 and over. This training shall be signed by the person providing the training and the trainee.
25. Only alcohol that has been appropriated to an existing contract or order may be stored on any vehicle that is used for onward delivery.
26. A log shall be kept that details the amount and type of alcohol stored on any vehicle for onward delivery. The log will be kept on the premises for production and will be made immediately available upon a request by a Police Officer or an authorised person as detailed within Section 13 of the Licensing Act 2003.
27. A system of recording sales refused shall be operated at all times. This shall include sales refused at the point of order and the point of delivery. The refusals log will be kept on the premises for production and will be made immediately available upon a request by a Police Officer or an authorised person as detailed within Section 13 of the Licensing Act 2003.
28. CCTV must be operated at all times when the premises are open to the public for licensable activities.
29. All CCTV recordings must be retained for a minimum of 21 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
30. A CCTV system shall be installed and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).

31. The DPS and designated members of staff must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder).
32. The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
33. Installed CCTV cameras / monitors are to be positioned so as to ensure all areas to which the public have access are covered. This is to include the main entry door and the frontage of the premises.
34. All digital recordings to be made in real time, time lapse not to be used; the recordings will be fit for the purpose. The system must be able to export recorded images to a removable means such as a CD / DVD and have its own software to enable playback / review on site.
35. The DPS shall ensure that an incident log is maintained within the premises and details of all known incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
36. Suitable and sufficient written risk assessments covering the Venue, Delivery vehicle (lone working), Fire and Operating policies shall be kept up to date and shall be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
37. Limited disposable materials will be used to help eliminate problems of litter in the area. Bins will be moved to and from the bin area a maximum of one hour prior to the scheduled collection to ensure noise levels are kept to a minimum during early morning hours and late evening hours.
38. A nominated representative from the premises, on at least one occasion during the hours the premises are open to the public and then again shortly after the premises closes, shall undertake a litter-picking operation covering a minimum of a 25 meter radius of the premises in all directions. Any litter / waste found during the exercise shall be placed into sealed receptacles designed specifically for the collection of waste and disposed of in an appropriate manner.



**Boam Ruth**

---

**From:** Jo Taylor [jo.taylor@personallicencetraining.co.uk]  
**Sent:** 01 June 2012 13:09  
**To:** 'Morley, Richard, 2766'  
**Cc:** Boam Ruth  
**Subject:** RE: UPO's Fish Bar

Dear Rich

Further to our telephone conversations regarding this application, please see below some additional conditions which we are willing to offer regarding this application. I hope that they assist in alleviating some of your concerns regarding this application:

- 1) A personal licence holder will be on the premises at all times when alcohol is available for purchase
- 2) Home deliveries will be made by a personal licence holder
- 3) All home deliveries must be paid for at point of order and if alcohol is purchased as part of that order, a copy of the order with a full name and address will be retained.
- 4) As part of the order process, the purchaser will be asked to verify and confirm that they are over the age of 18 and this will be noted on the order. Should this information be found to be false, the relevant information will be passed onto the Police accordingly.
- 5) If a delivery is made and the personal licence holder has any concerns that a minor has made the purchase, or that the purchase has been made on behalf of a minor, then the alcohol delivery will be refused and returned to the premises. This refusal will then be logged into the refusals register and also on the copy of the order. The refusals register will be a heat bound log book with sequentially numbered pages.
- 6) There will be no inclusion of alcohol in any food promotions
- 7) There will be no stocking of any cheap/strong alcohol or 'alcopop' type drinks.
- 8) There will be no public access to any of the alcohol kept at the premises except for when purchased and given to take away from the premises.
- 9) All staff working at the premises and involved in the sale of alcohol, will receive appropriate training from the DPS and this will be recorded in the training register which we shall supply to the premises. The training register will be heat bound with sequentially numbered pages.

As discussed in our telephone conversation, you were going to send to me the list of proposed conditions that you felt were appropriate and proportionate to this application. If you could get these to me as soon as possible so that I can discuss them with my client, I would be very grateful.

Kind regards  
Jo

---

**From:** Morley, Richard, 2766 [mailto:Richard.Morley.2766@Derbyshire.PNN.Police.UK]  
**Sent:** 25 May 2012 10:19  
**To:** 'jo.taylor@personallicencetraining.co.uk'  
**Cc:** 'Boam Ruth'; 'licensing2@south-derbys.gov.uk'  
**Subject:** UPO's Fish Bar

Jo,

Thank you for returning my call the other day with regards to the above application for a premises licence application by virtue of the Licensing Act 2003 that we received on 22/05/2012. I have been in discussions with South Derbyshire District Council, Licensing section (now also a responsible authority) and the local Section Inspector. Whilst it is made clear within the act that each application is viewed on its individual merits, it is also appreciated that the applicant should strive to both support and uphold the Licensing Objectives.

12/06/2012

41.

I note your comments with regards to the fact that issues over Anti-social Behaviour and other incidents involving alcohol cannot and should not be attributed to your clients premises, nor the pending application for a premises licence to supply alcohol off the premises between the hours of 1130hrs to 2200hrs, but I am sure you will agree, this does impact on the individual rationale when reviewing each application. I am awaiting a response from the local Inspector with regards to what he believes could be adopted regarding supporting the Licensing Objectives however having trawled our Police Database I do have issues with the supply of alcohol 'off the premises' including deliveries. This application *may* contribute to to issues within the area that are already present.

Please respond to this email by providing a schedule of conditions you as the applicants solicitor feel are both necessary and appropriate in supporting the licensing objectives, as at this point in time I shall require further information from other sources to assist me in providing both an individual and tailored response with regards to your clients application. It is noted that you have a clear working knowledge of your client, however I have not. With this in mind I am still minded to submit an objection to the application.

Regards,

*Rich Morley*

**Police Constable 2766**  
**Licensing Enforcement Officer**

Derbyshire Constabulary  
'D' Division Licensing Team  
Prime Parkway

Chester Green

DERBY

DE1 3AB

Tel: 01332 613036 (Internal 760 3036)

E-mail: [richard.morley.2766@derbyshire.pnn.police.uk](mailto:richard.morley.2766@derbyshire.pnn.police.uk)

Ext. E-mail: [derby.licensing@derbyshire.pnn.police.uk](mailto:derby.licensing@derbyshire.pnn.police.uk)

Int. Group E-mail: [D.Licensing](mailto:D.Licensing)

Web: <http://www.derbyshire.police.uk>

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42.

## 2. The licensing objectives

### CRIME AND DISORDER

- 2.1 The steps which any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 The Government's expectation is that the police will have a key role in undertaking the following tasks:
- developing a constructive working relationship with licensing authority licensing officers and bodies such as the local authority's Social Services department, the Local Safeguarding Children Board or other competent body as agreed locally;
  - developing a constructive working relationship with premises managers;
  - developing joint tasking meetings with relevant local authority and trading standards partners;
  - advising, where necessary, on the development of venue drug policies;
  - developing a constructive working relationship with the Security Industry Authority including joint visits and enforcement action where appropriate;
  - agreeing the protocols for actions taken by door supervisors in relation to illegal drugs or violent behaviour, particularly when police officers should be called immediately;
  - advising on and approving search procedures and the storage procedures for confiscated drugs;
  - gathering and sharing intelligence on drug dealing and use with partner organisations and local venues;
  - advising on the installation and monitoring of security devices such as CCTV;
  - advising on the provision of safe and accessible transport home in consultation with community safety colleagues, local transport authorities and transport operators; and
  - advising on the protection of employees on licensed premises who may be targets for attacks and reprisals.
- 2.3 The Security Industry Authority (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 and that door supervisors are properly licensed. This may



include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. In the exercise of their functions, licensing authorities should seek to co-operate with the SIA as far as possible and consider adding relevant conditions to licences where appropriate.

- 2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.
- 2.5 Licence conditions should not replicate offences that are set out in the 2003 Act or other legislation. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on the premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.
- 2.6 Conditions are best targeted on deterrence and preventing crime and disorder. 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.
- 2.7 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.
- 2.8 Radio links and ring-round phone systems allow managers of premises and clubs 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. The inclusion of these 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.
- 2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

45.

- 2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.
- 2.11 Similarly, although most commonly made a condition of a licence on public safety grounds, licensing authorities should also consider conditions which set capacity limits for licensed premises or clubs where it may be appropriate to prevent overcrowding likely to lead to disorder and violence. If such a condition is considered appropriate, the licensing authority should consider whether door supervisors are needed to control numbers and that a system is implemented to monitor capacity control.
- 2.12 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the competency of the management team charged with the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.13 The designated premises supervisor is the key person who will usually be charged with day to day management of the premises by the premises licence holder, including the prevention of disorder. However, conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. A condition of this kind could only be justified as appropriate in rare circumstances where it could 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.
- 2.14 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, and licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.
- 2.15 The Indecent Displays Act 1981 prohibits the public display of indecent matter, subject to certain exceptions. It should not therefore be appropriate for any conditions to be attached to licences or certificates concerning such displays in or outside the premises involved. Similarly, while conditions relating to public safety in respect of dancing may be appropriate in certain circumstances, the laws governing indecency and obscenity are adequate to control certain adult entertainment which goes beyond what is lawful. Accordingly, conditions relating to the content of such entertainment which have no relevance to crime and disorder, public safety, public nuisance or the protection of children from harm could not be justified. In this context, however, it should be noted that it is in order for conditions relating to the exclusion of minors or the safety of performers to be included in premises licence or club premises certificate conditions where appropriate. The Local Government

(Miscellaneous Provisions) Act 1982, insofar as its adoptive provisions relate to sex establishments (sex shops, sex cinemas and sex entertainment venues), also contains a licensing regime for premises where such activities are carried on.

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

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

## **PUBLIC SAFETY**

2.17 As a part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. 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.

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

- Fire safety (see paragraphs 2.20 – 2.23);
- 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 2.8 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);

47.

- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11, 2.28 to 2.30, Chapter 10 and 10.41 and 10.42).
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.6 above, this may also assist with promoting the crime and disorder objective).

2.19 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 (8.36 to 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.

#### FIRE SAFETY – SPECIAL PROVISIONS IN RESPECT OF LICENSED PREMISES

- 2.20 The Regulatory Reform (Fire Safety) Order 2005 (the 2005 Order) came into force on 1 October 2006 and applies to practically all non-domestic premises. Under it, a ‘responsible person’ (usually the employer, owner or occupier) is required to carry out a fire risk assessment and put in place suitable and sufficient fire precautions to ensure that the risk to life in the event of a fire is minimised.
- 2.21 To help ‘responsible persons’ comply with the 2005 Order, the Department for Communities and Local Government (DCLG) makes available a range of technical guidance which explains the risk assessment process and offers detailed practical advice on the range of fire safety measures which will need to be considered to deliver compliance. This, along with information on the law, is available on the DCLG website at: [www.communities.gov.uk/firesafety](http://www.communities.gov.uk/firesafety).
- 2.22 The 2005 Order contains special provisions for consultation between the enforcing authority and the licensing authority in respect of licensed premises. These require the licensing authority to give the enforcing authority the opportunity to make representations before issuing a licence. Once a licence is issued, the enforcing authority is required to notify the licensing authority of any enforcement action that it takes in relation to premises which have been licensed. These provisions do not apply in the limited circumstances (i.e. designated sports stands) where the licensing authority and the enforcing authority are the same.
- 2.23 A licence issued by the licensing authority cannot impose any term, condition or restriction relating to fire safety. Fire safety needs to be considered by the responsible person as part of the risk assessment process required by the 2005 Order and enforced by local fire and rescue authorities. In the case of licensed premises, and irrespective of the number of employees on it, the responsible person is required by the 2005 Order to keep a record of the significant findings of their fire safety risk assessment.

48.



## PROVISION OF FIRST-AID

- 2.24 Employers have a duty under the Health and Safety (First-Aid) Regulations 1981 to ensure that adequate and appropriate equipment, facilities and trained personnel are provided to ensure that employees receive immediate first-aid if required at their workplace. This duty includes all workplaces, and also applies to the self-employed. The level of first-aid provision required will depend on the workplace circumstances and employers should assess what is necessary. Whilst this requirement does not extend to making provision for non-employees (for example, members of the public using the premises), the Health and Safety Executive strongly recommends that first-aid provision is made for non-employees. Further guidance can be found at <http://www.hse.gov.uk/firstaid/index.htm>.

## ENSURING SAFE DEPARTURE OF THOSE USING THE PREMISES

- 2.25 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

- 2.26 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.
- 2.27 Particular care should be taken when undertaking building, construction or improvement works on licensed premises to ensure the safety of those using the premises. Licence holders should adequately assess and mitigate risks associated with any building or construction work so that this work does not compromise the safety of those using the premises.

49.

## SAFE CAPACITIES

- 2.28 “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.
- 2.29 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.30 The special provisions made for dancing, amplified and unamplified music in section 177 of the 2003 Act apply only to premises with a “permitted capacity” of not more than 200 persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the 2005 Order. 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 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.31 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1995/1129) - which contained a significant number of regulations in respect of fire safety provision at cinemas - no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.
- 2.32 Public safety includes the safety of performers appearing at any premises.

## **PUBLIC NUISANCE**

- 2.33 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.
- 2.34 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 is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.
- 2.35 Conditions relating to noise nuisance will normally 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 more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 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.
- 2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

51.

- 2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises 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.
- 2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.
- 2.40 Beyond the immediate area surrounding the premises, these are matters for 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 and to respect the rights of people living nearby to a peaceful night.

## **PROTECTION OF CHILDREN FROM HARM**

- 2.41 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 with alcohol 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).
- 2.42 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

52.

- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.43 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.
- 2.44 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.
- 2.45 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.
- 2.46 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 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 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.
- 2.47 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.
- 2.48 Licensing authorities should give considerable weight to representations about child protection matters.

- 2.49 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.
- 2.50 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

- 2.51 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. For example, 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
Section 145	Unaccompanied children prohibited from certain premises
Section 146	Sale of alcohol to children
Section 147	Allowing the sale of alcohol to children
Section 147A	Persistently selling alcohol to children
Section 148 <sup>1</sup>	Sale of liqueur confectionery to children under 16
Section 149	Purchase of alcohol by or on behalf of children
Section 150	Consumption of alcohol by children
Section 151	Delivering alcohol to children
Section 152	Sending a child to obtain alcohol
Section 153	Prohibition of unsupervised sales by children

1. Note. The Government has announced its intention to repeal this offence, in 2013 at the earliest.

# 3. Licensable activities

## SUMMARY

- 3.1 A premises licence authorises the use of any premises (see Chapter 5) for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.
- 3.2 The licensable activities are:
- the sale by retail of alcohol;
  - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - the provision of regulated entertainment; and
  - the provision of late night refreshment.

## WHOLESALE OF ALCOHOL

- 3.3 The wholesale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of “sale by retail” in section 192 of this Act. This section makes clear that, to be excluded from the meaning of “sale by retail”, a sale must be:
- made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and
  - for consumption off the premises.
- 3.4 In addition, to be excluded, they must be sales which are made to:
- a trader for the purpose of his trade (including, for example, another wholesaler);
  - to a club for the purposes of that club;
  - to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or
  - a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.
- 3.5 If an employee were buying alcohol as an “agent” for their employer and for the purposes of their employer’s trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee’s own consumption, this would be a retail sale, and would require a licence.
- 3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where the caterer purchases the alcohol from a wholesaler and then sells this

55.

