

Southern Derbyshire District Council
Licensing Panel hearing
Objection to new Premises Licence

Date 16/06/2015

UPOS Fish Bar
42 High Street
Woodville
Swadlincote
Derbyshire





**Derbyshire
Constabulary**

I, Michael Francis Creedon, Chief Constable of Derbyshire Constabulary, hereby confirm that the powers given to me by the Licensing Act 2003 are delegated to the following officers and police staff to carry out for and on behalf of the Derbyshire Constabulary in respect of 'D' Division.

Sergeant 2864 Mark LOMAS
Constable 2013 Mark DUNN
Constable 2465 Philip DAY
Constable 14023 Priya DHILLON
Constable 2673 Kelvin HANNAH
Mr Ian COLEMAN (6902)

Mick Cree

.....
CHIEF CONSTABLE OF DERBYSHIRE

12-5-2014

.....
DATE

NEW LICENCE / VARIATION / MINOR VARIATION

UPOS FISH BAR, 42 HIGH ST, WOODVILLE, DERBYSHIRE

DERBY CITY COUNCIL ☐ SOUTH DERBYSHIRE DC ☒ EREWASH BC ☐DATE RECEIVED 25/03/15 PID 7330 OID / ~~7330~~ 4329LAST REPRESENTATION DATE 21/04/15 DECISION MADE IN OFFICE ☐
(Reminder - 28 days)APPLICATION CORRECT (SEE COMMENTS BOX IF NOT) ☐NAME Makhan Singh RANU D.O.B. PNC: GUARDIAN: N/TDATE TO INSP/CRO DATE FROM INSP/CRO **REPRESENTATIONS** (reminder on board) UPDATE INNKEEPER ☒

DETAILS OF APPLICATION / COMMENTS

lob?

Fast food takeaway with delivery service.
 Opening hours 24 hours a day 7 days a week.
 Supply alcohol all premises 0700 - 2300 7 days a week.

Steady premises license holder for 'Select & Save' 17 UNION RD, SMOULWATE PID 8151

2/4/15 - I attended the premises but Applicant was not present. I spoke to the brother of the Applicant re: the Application and he told me Mr Rathore would contact me ASAP
 COM p-2673

ACK ☐ INNKEEPER ☒ E-MAIL LA ☐

2/4/15 - email sent to Mr Rathore
 (attached) Chd p-2673

Derbyshire Constabulary
D Division, St Mary's Wharf
Prime Parkway
Chester Green
Derby
DE1 3AB

Our Ref:
Your Ref:

WR/CT/RANUM1-1

EMAIL ADDRESS
wrathore@fraserbrown.com

DIRECT LINE ACCESS
0115 9888763

Tuesday, 24 March 2015

Dear Sirs

**LICENSING ACT 2003
APPLICATION FOR NEW PREMISES LICENCE
UPOS FISH BAR 42 HIGH STREET WOODVILLE DERBYSHIRE DE11 7EA**

Please find enclosed copy application in respect of the above.

We confirm that a copy of the application has been served on all Responsible Authorities for the relevant area and arrangements have been made for the Notice of Application to be displayed on the premises for the 28 consecutive day period.

Should you have any queries regarding this matter, please do not hesitate to contact us on the above telephone number.

Yours faithfully



FRASER BROWN

**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 Makhan Singh Ranu

(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

Postal address of premises or, if none, ordnance survey map reference or description			
UPO's Fish Bar 42 High Street Woodville Derbyshire			
Post town	Woodville	Post code	DE11 7EA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- | | |
|---|---|
| a) an individual or individuals * | ☒ * please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | ☐ please complete section (B) |
| ii. as a partnership | ☐ please complete section (B) |
| iii. as an unincorporated association or | ☐ please complete section (B) |
| iv. other (for example a statutory corporation) | ☐ please complete section (B) |
| c) a recognised club | ☐ please complete section (B) |
| d) a charity | ☐ 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 in Wales ☐ please complete section (B)
- g a) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England ☐ 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 ☒	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname Ranu			First names Makhan Singh		
I am 18 years old or over			x Please tick yes		
Current postal address if different from premises address		41 Half Moon Crescent Oadby			
Post Town	Leicester			Postcode	LE2 4HD
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				☐	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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day			Month		Year		
2	3	0	4	2	0	1	5

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)

Fast food take away with delivery service.

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)	☐
b)	films (if ticking yes, fill in box B)	☐
c)	indoor sporting events (if ticking yes, fill in box C)	☐
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	☐
e)	live music (if ticking yes, fill in box E)	☐
f)	recorded music (if ticking yes, fill in box F)	☐
g)	performances of dance (if ticking yes, fill in box G)	☐
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	☐
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

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<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> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors ☐
					Outdoors ☐
					Both ☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur					
			<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> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	☐
					Outdoors	☐
					Both	☐
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<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> (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
Mon				Outdoors	☐
				Both	☐
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	☐
				Off the premises	☒
				Both	☐
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	07:00	23:00			
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00			
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			

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

Name Makhan Singh Ranu	
Address 41 Half Moon Crescent Oadby Leicestershire	
Postcode	LE2 4HD
Personal Licence number (if known) OWPS 0295	
Issuing licensing authority (if known) Oadby & Wigston Borough Council	

K

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)

As far as the applicant is aware none of the proposed activities should give rise to concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)			

M 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 licensing objectives have been carefully considered taking account of the premises and their location.

The proposed premises will promote the licensing objectives in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation.

Details of any measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

b) The prevention of crime and disorder

A CCTV system with recording equipment shall be maintained at the premises and operated with cameras when the premises are open for licensable activities. All recordings used in conjunction with CCTV shall:-

- Be of evidential quality.
- Indicate the time and date.
- Be retained for a minimum of 14 days unless negotiated otherwise.
- Staff will be trained to use the system.
- Recorded images shall be made available for inspection and downloading immediately upon request of an authorised officer under the Licensing Act 2003.

A Challenge 25 Scheme shall operate at the premises. Any person who appears to be under 25 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport or photodriving licence or PASS accredited card). Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

A bound and sequentially paginated refusals book shall be kept at the premises to record all instances where admission or service is refused. Details to show:-

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

At least weekly, the Designated Premises Supervisor (or deputy, authorised in writing) will:

- examine the record and compare it against the normal operating pattern for the premises
- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been carried out

Such records included within the refusals book are to be retained at the premises for at least 12 months and shall be made available for inspection and copying by an authorised officer under the Licensing Act 2003.

Full training shall be provided to all staff on commencement of employment relating to age restricted products sold and any system or procedures they are expected to apply.

Refresher training shall take place at regular intervals – at least every six months.

A bound and sequentially paginated training book shall be kept to record staff training. This book to be made available for inspection and copying by an authorised officer under the Licensing Act 2003 and also such books to be retained at the premises for at least 12 months.

c) Public safety

Please see box A above.

d) The prevention of public nuisance

Please see box A above.

e) The protection of children from harm

A Challenge 25 Scheme shall operate at the premises. Any person who appears to be under 25 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport or photo driving licence or PASS accredited card). Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

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- sign off/endorse the record to indicate the above points have been carried out

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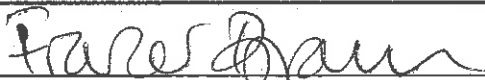
Please tick yes

- 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	24 March 2015
Capacity	Applicant's solicitor

For joint applications signature of 2nd applicant or 2nd 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	

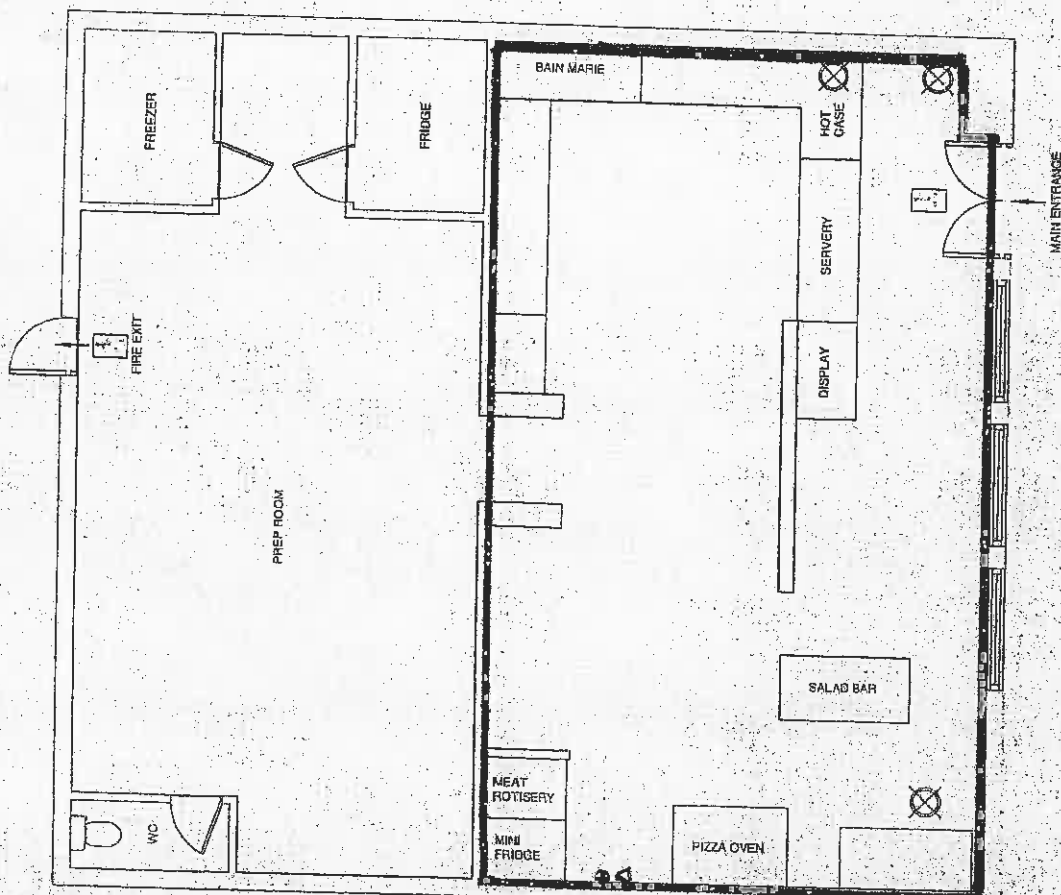
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Licensing Department
Fraser Brown
84 Friar Lane
Nottingham

Post town	Nottingham	Post code	NG1 6ED
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Telephone number (if any)	0115 9888763
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
wrathore@fraserbrown.com



● FIRE BLANKET
 ▲ FIRE EXTINGUISHER

lined red - area used for the supply of alcohol.

any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

The location of the fire safety and other safety equipment is subject to change in accordance with requirements of Responsible Authorities.

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

Morter, Darren, 2600

From: Licensing Mailbox <licensing@south-derbys.gov.uk>
Sent: 25 March 2015 16:56
To: Morter, Darren, 2600
Subject: RE: UPO'S FISH & CHIP LIMITED - Premises Licence query

Hi

This premises does not have a premises licence.

Thanks

Faye Tucker
Licensing Assistant
Legal & Democratic Services
South Derbyshire District Council
Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH
faye.tucker@south-derbys.gov.uk
Tel: 01283 595724
Fax: 01283 595853
Visit the Council's website at www.south-derbys.gov.uk
Follow the Council on Twitter: www.twitter.com/sddc
Find the Council's Sport and Health, Environmental Health, Housing and Safer South Derbyshire Partnership teams on Facebook.

From: Morter, Darren, 2600 [<mailto:Darren.Morter.2600@Derbyshire.PNN.Police.UK>]
Sent: 25 March 2015 15:45
To: Licensing Mailbox; Licensing Mailbox
Subject: UPO'S FISH & CHIP LIMITED - Premises Licence query

Dear Sir or Madam

Are you able to confirm if you currently have a premises licence for UPO'S FISH & CHIP LIMITED of 42 HIGH STREET, WOODVILLE, SWADLINCOTE, DERBYSHIRE, DE11 7EA and if so is it a 'live' licence.

If there is a licence please could you send me a copy of it as a an attachment.

Kind regards

Darren MORTER
PC 2600

Licensing Team
Derby Divisional HQ
St Marys Wharf Police Station
Prime Parkway
Chester Green
Prime Park Way
Derby
DE1 3AB

Tel: 0300 122 5738

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SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police / Fire / Environmental Protection / Health and Safety / Child Protection / Trading
Standards/ Planning Authority / Licensing Authority / Health Authority

Name	Kelvin Hannah
Job Title	PC
Postal and email address	St Mary's Wharf Police Station, Wyatts Way, Derby.
Contact telephone number	0300 122 5643

Name of the premises you are making a representation about	UPOS Fish Bar
Address of the premises you are making a representation about	Unit 3, 42 High Street, Woodville, Swadlincote.

Which of the four licensing objectives does your representation relate to?	Yes Or No	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	ASB is a problem in the local area and conditions need to be agreed to satisfy Police concerns in the way the Alcohol is offered for sale at the Premises.
Public safety		
To prevent public nuisance	Yes	Hours of operation need to be agreed to combat concerns over ASB and noise emanating from the operation of the Premises.
To protect children from harm	Yes	No conditions received to satisfy concerns raised by the Police of underage sales in the delivery of Alcohol and the sale of Alcohol on the Premises.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Conditions have been suggested to the Applicants Solicitor and we await a reply from them regards these.
---	---

Signed:

Date: 17/4/15

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

RESTRICTED



**Analysis: ASB, Violence and Criminal Damage around
42 High Street**

Period Covered: 22/04/13 – 21/04/15

Authorising Officer: Kelvin Hannah, 2673

Author: Kathryn Mazillius, 3913 Intelligence Researcher

Date Completed: 23 April 2015

RESTRICTED

ASB, violence and criminal damage around 42 High Street 22/04/13 – 21/04/15

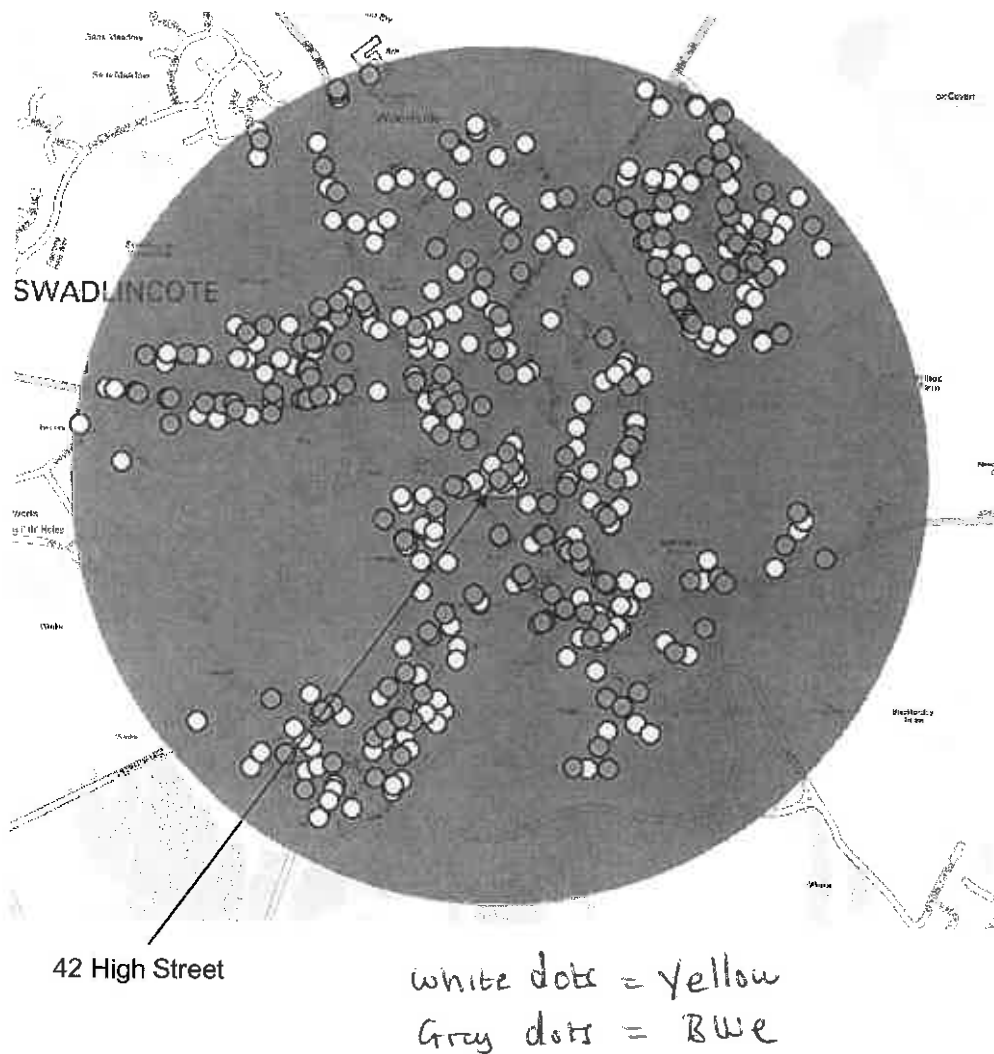
The aim of the report is to identify ASB and crime patterns around 42 High Street (as defined by a 1000 metre and a 2 mile radius) that were reported within the period 22/04/13 – 21/04/15. For the purpose of this report the information has been taken from iBase. A filter has been used to discount all crimes classed as a No Crime.

A 1000 metre and 2 mile radius has been applied to the mapped data to highlight the area to be considered.

1000 Metre Radius

ASB

During the period under consideration there have been **687** ASB within 1000m of 42 High Street as shown on the map below. ASB incidents are shown by yellow dots and crimes with blue dots.



RESTRICTED

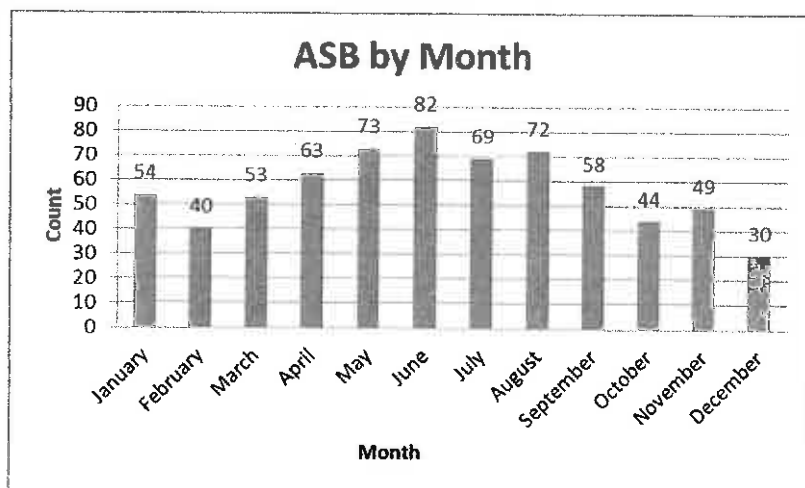
Temporal Analysis

After looking at the ASB data the peak days and times for ASB to occur within this designated area are:

	MON	TUE	WED	THU	FRI	SAT	SUN
0000-0100							
0100-0200							
0200-0300							
0300-0400							
0400-0500							
0500-0600							
0600-0700							
0700-0800							
0800-0900							
0900-1000							
1000-1100							
1100-1200							
1200-1300							
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1600-1700							
1700-1800							
1800-1900							
1900-2000							
2000-2100							
2100-2200							
2200-2300							
2300-0000							

Highest risk	
Moderately high risk	
Moderate risk	
Moderately low risk	
Lowest risk	

The graph below shows a breakdown of how much ASB occurred during each month under consideration.



RESTRICTED

Crimes

During the two years there have been **265** crimes within 1000m of 42 High Street.

Temporal Analysis

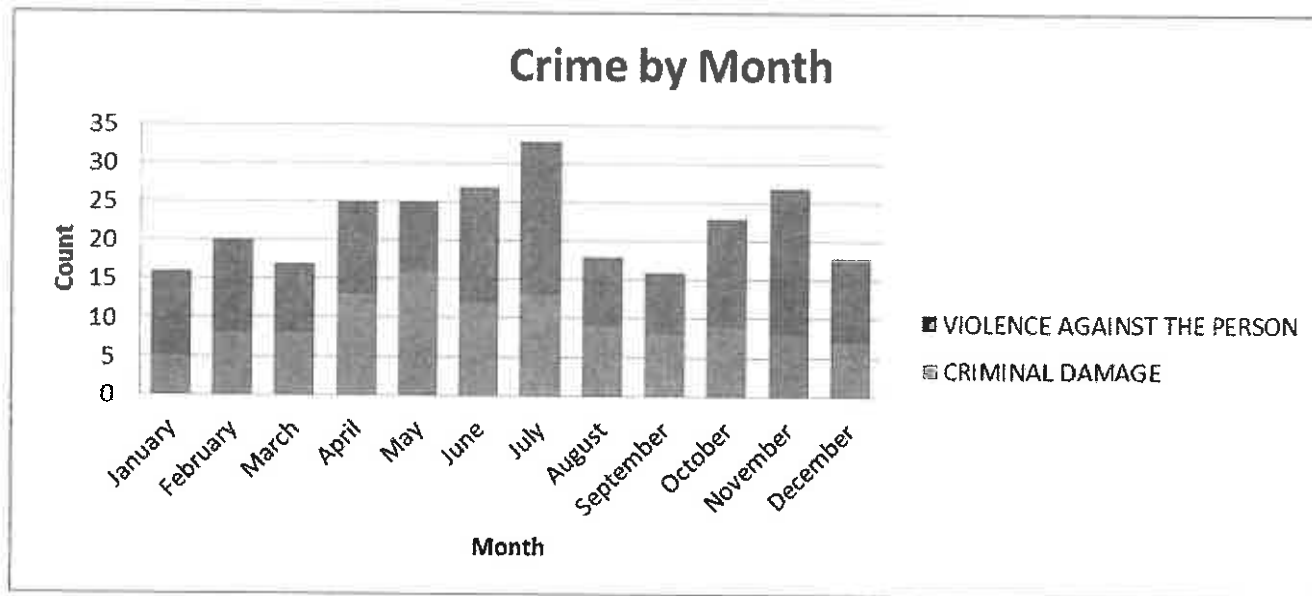
After looking at the crime data the peak days and times for violence and criminal damage to occur within this designated area are:

	MON	TUE	WED	THU	FRI	SAT	SUN
0000-0100							
0100-0200							
0200-0300							
0300-0400							
0400-0500							
0500-0600							
0600-0700							
0700-0800							
0800-0900							
0900-1000							
1000-1100							
1100-1200							
1200-1300							
1300-1400							
1400-1500							
1500-1600							
1600-1700							
1700-1800							
1800-1900							
1900-2000							
2000-2100							
2100-2200							
2200-2300							
2300-0000							

Highest risk	
Moderately high risk	
Moderate risk	
Moderately low risk	
Lowest risk	

RESTRICTED

The graph below shows a breakdown of how much violence and criminal damage occurred during each month under consideration.

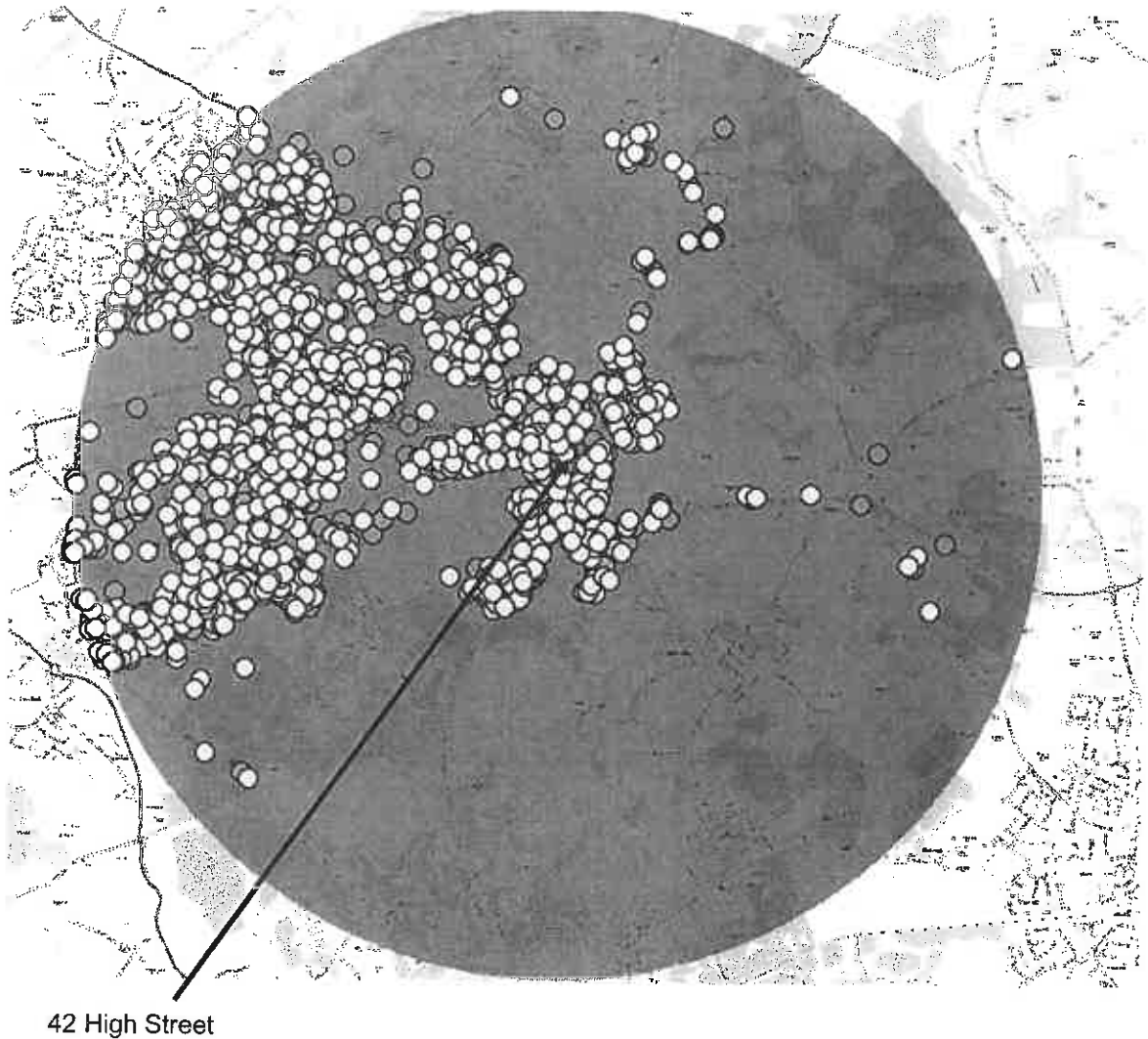


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2 Mile Radius

ASB

During the period under consideration there have been **2992** ASB within 2 miles of 42 High Street as shown on the map below. ASB incidents are shown by yellow dots and crimes with blue dots.



RESTRICTED

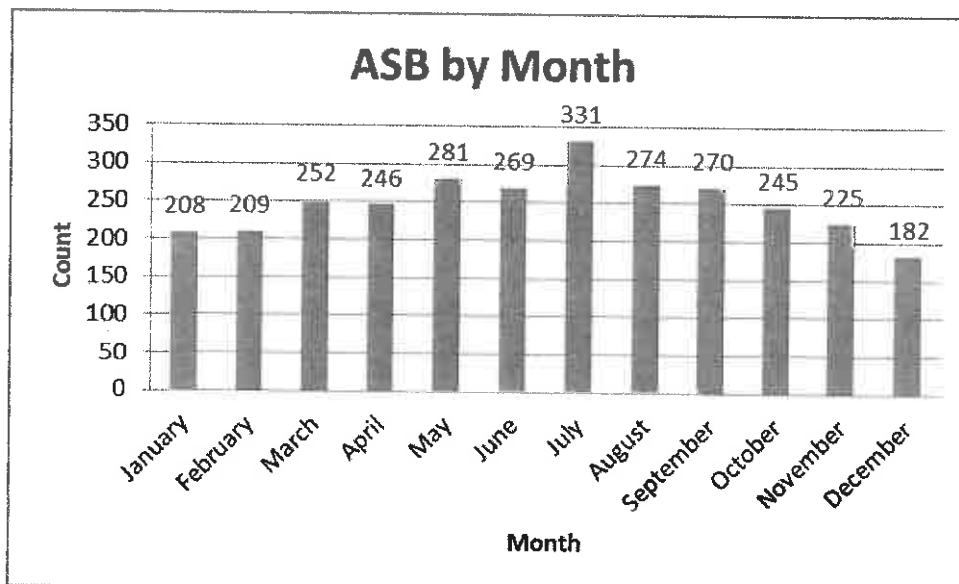
Temporal Analysis

After looking at the ASB data the peak days and times for ASB to occur within this designated area are:

	MON	TUE	WED	THU	FRI	SAT	SUN
0000-0100							
0100-0200							
0200-0300							
0300-0400							
0400-0500							
0500-0600							
0600-0700							
0700-0800							
0800-0900							
0900-1000							
1000-1100							
1100-1200							
1200-1300							
1300-1400							
1400-1500							
1500-1600							
1600-1700							
1700-1800							
1800-1900							
1900-2000							
2000-2100							
2100-2200							
2200-2300							
2300-0000							

Highest risk	
Moderately high risk	
Moderate risk	
Moderately low risk	
Lowest risk	

The graph below shows a breakdown of how much ASB occurred during each month under consideration.



RESTRICTED

Crimes

During the last months there have been **1189** crimes within two miles of 42 High Street.

Temporal Analysis

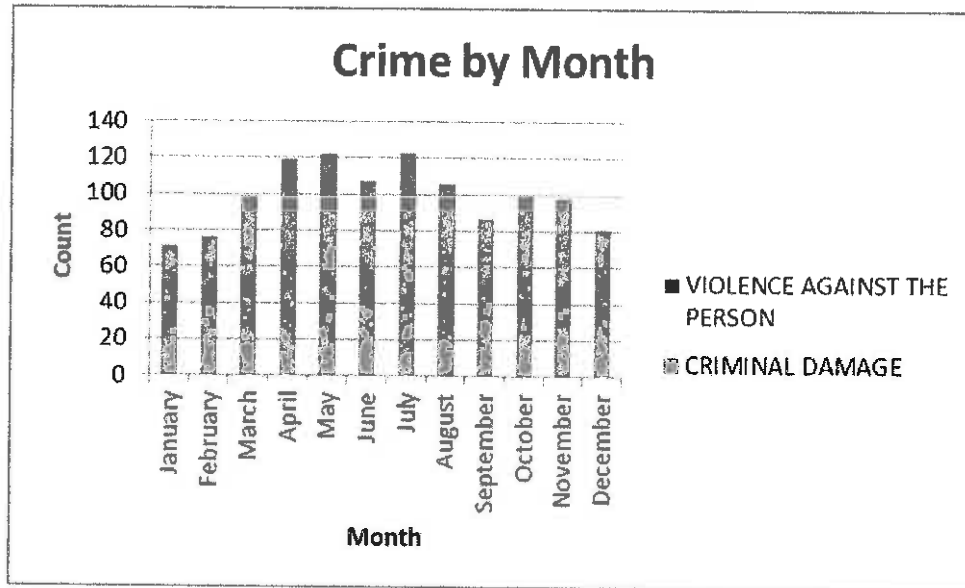
After looking at the crime data the peak days and times for violence and criminal damage to occur within this designated area are:

	MON	TUE	WED	THU	FRI	SAT	SUN
0000-0100							
0100-0200							
0200-0300							
0300-0400							
0400-0500							
0500-0600							
0600-0700							
0700-0800							
0800-0900							
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1600-1700							
1700-1800							
1800-1900							
1900-2000							
2000-2100							
2100-2200							
2200-2300							
2300-0000							

Highest risk	
Moderately high risk	
Moderate risk	
Moderately low risk	
Lowest risk	

RESTRICTED

The graph below shows a breakdown of how much violence and criminal damage occurred during each month under consideration.



Witness Statement

Criminal Procedures Rules, R27.2; Criminal Justice Act 1967, S.9; Magistrates' Courts Act 1980, S.5B

URN

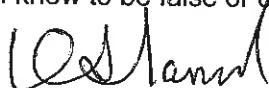
30

Statement of Kelvin Hannah

Age if under 18 Over 18 (if over 18 insert 'over 18') **Occupation** Police Officer

This statement (consisting of 8 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date: 19/5/15

Cross if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Licensing Enforcement Officer for Derbyshire Constabulary and I am based at St Mary's Wharf Police Station in Derby. I work within the Licensing team consisting of four licensing officers and a licensing sergeant that cover an area known as 'D' Division.

I currently operate within the Derby south division with a view to assisting, advising and supporting licensees in both the on and off licensed trade regarding best practice whilst assisting them in supporting and upholding the four licensing objectives. These being prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

I hold qualifications within the licensing sector these being BIIAB level 2 certificate for personal licence holders and BIIAB level 2 certificate for Designated premises supervisors. I have close to 13 years experience within the Police service, and have served in various front line roles before joining the Licensing department around 1 year ago.

I first became aware of the Premises licence application for UPO'S Fish Bar, 42 High Street, Woodville, Swadlincote, Derbyshire on 25th March 2015 that was received in our Office and was allocated to me. The content of this application and my working knowledge of this area highlighted that the Premises were trading as a traditional fish and chip shop that opened with the timings as per the application.



Continuation of Statement of Kelvin Lee HANNAH

The area of Woodville is a small mixed use borough of Swadlincote that comprises a mixture of public and private accommodation, with a scattering of industrialised units throughout the locality. It is also accompanied by a couple of schools, a garage and convenience stores including a Tesco Express. It is also serviced by a main road leading to Burton and Derby.

I have liaised with the local officers who cover the area where UPO'S is situated in an effort to seek opinion of the local team in relation to the premises licence application. I did this with a view to discussing with the applicant a suitable way forward ensuring all interested parties were happy with the application regarding the safeguards that were offered, and also taking into account local issues around ASB which are relevant. PC Jas Basra a local Police Officer when contacted has given me a short report which I have included in this bundle regarding his views on the premises licence application. He has expressed concern over the granting of a premises licence in this location due to street alcohol drinking and other anti social behaviour issues.

As part of my analysis of the location I requested an analysis of ASB, violence and criminal damage around the area of 42 High Street in Woodville. This was compiled by Kathryn Mazillius who is an Intelligence researcher for Derbyshire Constabulary. The research looked at has taken place over a two year period 22nd April 2013 to 22nd April 2015 to give a balanced look at incidents in this timeframe. It looks at an area within a 1000 metre radius of the proposed premises licence.

Looking at these figures of which a copy is attached, I can see that there have been 687 incidents of anti-social behaviour in the two year period within 1000 metres of the location. These incidents are shown by yellow dots (page 2) indicating calls for service involving ASB and blue dots highlighting crimes (page 2). A total of 265 crimes have been recorded within 1000 metres of 42 High Street in a two year period. From these calls a temporal analysis has taken place which looks at the peak days and times for ASB to occur within the designated area (page 3) and crimes are recorded in temporal analysis (page 4). This is indicated in a colour coded graph covering 24 hours a day and colours indicate the times for the highest risk down to the lowest risk highlighting peak periods in calls for service.



Continuation of Statement of Kelvin Lee HANNAH

I have also had collated how many substantiated crime reports have been created in the designated area over the past two years involving violence or criminal damage. These number 265 crimes and again times of crimes are highlighted into high risk down to low risk times. There is also a graph attached showing the offences of violence against the person and criminal damage over the 24 month period.

Also included is a chart indicating how much ASB has been recorded in a two year period within a 2 miles radius of the premises. This proves that there are problems locally with ASB and crime and I am concerned that these figures could be added to further with another off licence premises opening locally. Looking at command and control UPO'S have had a problem with a drunken man who was causing a problem in the premises Incident 702 8/3/12 refers. This drunk male was removed from the premises, after falling asleep within.

With the figures above in mind I believe the added incentive of the sale of alcohol at these premises is a worry, and there is a greater likelihood of more recorded incidents being recorded by Police therefore undermining the licensing objectives.

When an individual is afforded the responsibility of holding a premises licence they have both a duty of care to support and uphold the four licensing objectives and also to the community in which they serve and trade. This is a responsibility that should not be taken lightly and a great deal of consideration should be focused on the offering to the community and the impact on those living and working there.

The Police have concerns that another premises supplying alcohol for sale by retail will not be serving the community in a positive manner. There are already several licensed premises in the close vicinity of these premises already situated on High Street and it has to be mentioned that the community is already served sufficiently in the provision of alcohol. I believe that adding yet another premise of this nature to the equation is not required within this community and does not have any benefit other than personal gain for the applicant.



Continuation of Statement of Kelvin Lee HANNAH

The evidence compiled by the analyst shows 687 incidents related to Anti-social behaviour within 1000m of the proposed premises, the figures taken over the past 24 months give an indication of the issues being encountered that already put a strain on local resources and to the people that they serve. Another outlet providing alcohol both on and off the premises without stringent control measures in place can only add to the issues endured by the local community.

The police obviously have a responsibility within the community to deter crime where possible and more importantly detect crime when committed. There is however a responsibility to all the authorities to prevent crime and disorder where possible. The licensing act 2003 affords the legislation to assist in this aim by making it a requirement for licence holders to promote four licensing objectives. If any of the licensing objectives particularly that of the "prevention of crime and disorder" cannot reasonably be met, then serious thought needs to be given by the responsible authorities to prevent an applicant causing or adding to existing problems.

In addition to the incidents listed by the analyst there are also a total of 265 crimes recorded within a 1000m radius of 42 High Street. It cannot be said that all of these crimes relate in any way to the sale of alcohol, it can be said however that the crimes and incidents reported and recorded by the police give a snapshot of the area and an indication of the challenges faced by the police and the local community. No doubt a proportion of these crimes are alcohol related if the Home Office figures are anything to go by. According to the Office of national statistics between 2012-2014 70% of violent incidents which happened at the weekend in the evening or night were alcohol related. This as well as other statistics prove alcohol is a key factor in crime.

Further analysis highlighting a two mile radius of the premises has been attached to the police submission. It is clear to see from the chart provided, that a problem exists with anti-social behaviour and crime in what is a relatively small geographical area. 2992 anti-social behaviour incidents and 1189 crimes were recorded by the police in a 24 month period.

I feel that the time frame being considered for the analysis is relevant because it shows that the area has not reduced the incidents or crimes recorded since the last submission for a licence for these premises back in 2012. At that time an objection was raised by police having similar concerns regarding the sale of alcohol. An objection was submitted by the police and was set before the Licensing – Sub committee at a hearing, after careful consideration of the facts and all of the evidence presented by all parties, the sub-committee resolved to reject the premises licence application and consequently prevented any cumulative impact by way of additional alcohol sales in this area.

Continuation of Statement of Kelvin Lee HANNAH

On every application for a premise licence the applicant has the opportunity to describe the steps that they intend to take to promote the four licensing objectives, in this case section "M" of the application. It is feared that the premises licence, when considered with the proposed application, does not contain sufficient safeguards to satisfy the Police that the premises will suitably, and sufficiently, promote all of the licensing objectives. For instance, nothing has been offered on the application by way of conditions for the delivery of alcohol. Although I accept that some conditions are offered in the application, it would seem that the conditions are more suited for a small off licence situated in an area not subjected to the amount of anti-social behaviour and crime complained of, I would expect a competent operator to undertake the conditions offered as a matter of course in the normal day to day running of the premises.

If this application for a premises licence were to be granted, and alcohol sales were allowed, the Sub-Committee could expect more young people to gather and congregate in and around these premises during the hours permitted to trade, especially in the evenings. This is likely to give rise to further calls for service regarding crime and disorder, public nuisance and the protection of children from harm. These types of calls are common place at other fast food outlets and off licences where young people in the locality hang out, often to the annoyance of the general public.

Due to the anticipated increase in footfall due to alcohol sales, it may be concluded that adults attending the premises may be approached to purchase alcohol on behalf of a child whilst only attending themselves to order food within the premise. This as I have already alluded to could also potentially be the case with home deliveries. Whatever the situation, what can be said without any doubt is that there is likely to be more alcohol consumption taking place on the street and local park; this in turn will cause an added burden to the community at large by way of increased anti-social behaviour and alcohol related crime.

The locality of the premise to the family park gives cause for even greater concern, the park is situated to the rear of the row of retail units to which this premises is a part. The park is already subject to anti-social behaviour and alcohol related violence. The issues are such that the park features within the beat strategy for the local officers who regularly patrol the area. The police are called most evenings to deal with a variety of incidents which include anti-social behaviour and criminal acts of damage. Other calls are for vulnerable children that put themselves at risk due to the high levels of intoxication they find themselves in, generally through alcohol consumption.



Continuation of Statement of Kelvin Lee HANNAM

Concern has to be raised regarding the delivery of alcohol by way of "home deliveries"; operating practices need detailed consideration when delivering alcoholic beverages to residential addresses. It was proposed in a similar application for the same premises back in 2012, that the applicant was basing his business plan on a five mile delivery radius of the premise. There is nothing within the application giving the Police any confidence that policies exist to prevent alcohol at the point of sale getting in the hands of a drunken person or that of a person under the age of 18. At the point of sale what provision is in place to ascertain that a customer is not buying alcohol on behalf of a child? If policies were in place, the Police would still harbour concerns that the conditions would not be adhered too, given the lack of compromise offered by the applicant to date.

The original application for the licence when received contained little details from Fraser Brown solicitors on behalf of their applicant around what provisions were in place for the new Licence and how the licensing objectives would be promoted. There was little mention of the delivery aspect and indeed the sale of alcohol in the shop and how the shop would operate. I therefore made contact with Fraser Browns on 2nd April 2015 asking for more detail around these points

In my absence I believe a conversation took place between PC Mark Dunn and Fraser Brown Solicitors over the application and how we could come to an agreement.

On 17th April 2015 PC Dunn sent an email regards concerns he had to Fraser Brown around the conditions offered and the lack of safeguards on the application to give the Police confidence that the licensing objectives were being promoted. At that time nothing had been offered and the condition attached to the licence application appeared to be a token offering. PC Dunne expressed his disappointment that additional conditions had not been offered and made mention to a similar application made by the applicant in 2012 that was rejected by a licensing sub committee. PC Dunn attached a list of conditions that would satisfy Police concerns and sent these to Fraser Brown solicitors in an attempt to agree conditions.

W. Hannam

Continuation of Statement of Kelvin Lee HANNAH

On 21st April 2015 I contacted Fraser Brown as I had received no reply to the email sent by PC Dunn regarding the proposed conditions sent by the Police. It appears at this time Mr Rathore at Fraser Brown was on leave but Caroline Twist was contacted as she was acting on Mr Rathore's behalf in his absence. It was not until the 1st May 2015 that a reply regarding the proposed conditions was received and this detailed proposed conditions from Fraser Brown on behalf of his client. These conditions were amended but only included around 60% of what was suggested by the Police and they were not sufficient enough to satisfy the concerns of the Police.

On 15th May 2015 Fraser Brown were contacted via email and told that the Police were keen to work with them and the client, but we felt that the conditions proposed by the applicant were not sufficient to offer confidence and promote the licensing objectives. This was made clear and it was stated that if the applicant could agree the conditions the Police had proposed then we would withdraw any representation made. Fraser Brown emailed back on the same day requesting clarity if any of the Police conditions could be conceded in an effort to avoid a hearing which he stated his client was keen to do.

On 18th May 2015 I made clear that the Police were happy to work with the applicant but felt strongly that the Proposed conditions suggested by the Police would be satisfactory in upholding the objectives in the operation of the Premises. I made clear that if these conditions were not agreeable then the matter may have to be heard by a sub committee with the evidence put forward by all concerned parties. Fraser Brown emailed back indicating they could not agree to the proposed conditions which was disappointing.

It is my opinion that the applicant has not really considered the application process and has placed the 'perceived need' for the chip shop to sell alcohol on financial return rather than the needs of the community as a whole, encompassing the licensing objectives and the requirements within the licensing act 2003. The local Officers work hard in the local area and have good communication forums in the community. It is vital that this good work in the community should not be displaced by an application that cannot or will not assist in both the needs of the community and the licensing objectives.

I acknowledge that at present the incidents reported and calls for service including reports of crime cannot be attributed to the Premises UPOS Fish Bar but they do not supply Alcohol for sale by retail off the premises currently. This I believe would change should alcohol be sold at the location particularly when not being sold with a substantial meal as the applicant would like to do. I form the opinion that this takeaway could be more of an off licence than a fast food outlet

Continuation of Statement of

Kelvin Lee HANNAH

It is my belief that granting yet another licensed premises that proposes to offer 'home deliveries' in its entirety shall in my opinion undermine the licensing objectives and contribute towards alcohol related harm. Home deliveries require tight controls to ensure the alcohol does not fall into the wrong hands and to ensure it is sold responsibly.

The position of the Police is one of requesting that the panel rejects the application.

However, not as a sign of weakness but one of wishing to promote the licensing objectives the Police recognise that the licensing authority may wish to adopt a more proportionate response whilst tackling all the issues raised with this application. Should consideration be given not to reject the application and the panel are mindful to issue a premises licence I would request that the attached conditions are considered. I believe these conditions to be balanced, proportionate and appropriate for the Premises and its operation. I also believe that the attached conditions be considered as a minimum to be imposed on any new licence.



Witness contact details

URN

Name of Witness:

Home Address:

E-mail Address:

Home Telephone Number:

Postcode:

Mobile:

Work Telephone Number:

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender:

Date and place of birth:

Former Name:

Ethnicity Code (16+1):

DATES OF WITNESS NON-AVAILABILITY:**Witness care**

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes ☐ No ☐
- b) I have been given the Victim Personal statement leaflet Yes ☐ No ☐
- c) I have been given the leaflet "Giving a witness statement to the police.." Yes ☐ No ☐
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes ☐ No ☐ N/A ☐
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes ☐ No ☐ N/A ☐
- f) I consent to the statement being disclosed for the purposes of civil or other proceedings if applicable, e.g. child care proceedings, CICA Yes ☐ No ☐ N/A ☐
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me Yes ☐ No ☐ N/A ☐

I would like CPS to apply for reporting restrictions on my behalf.

Yes ☐ No ☐ N/A ☐

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness:

PRINT NAME:

Signature of parent/guardian/appropriate adult:

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: HANNAH KL

Station: SMWPS

Time and place statement taken: 0940 SMWPS

Signature

Signature witnessed by

DERBYSHIRE CONSTABULARY

FROM PC 168 Basra
SNT Officer
Derby South Section

OUR REF

YOUR REF

TO Pc 2673 Hannah
Licensing Enforcement Team
Derby

TEL NO 750 0168

DATE 18th April 2015

SUBJECT Premises Licence Application

The applicant is applying for a Premises Licence establishment with opening hours of 09.00 to 22.30. The purposes of the premises is to be a takeaway and off-licence that has been apparently based on economics with a view that the sale of alcohol would aim to increase footfall, sales and revenue at the premises.

The premises are currently trading as fish and chip shop, Unit 3, 42 High Street, Woodville. Swadlincote. DE11 7EA. The premises are situated next to Tesco Express.

The premises are situated within an area that comprises of mainly of business and retail outlets and an Asda petrol station which has recently opened and also sells alcohol. There are 2 local schools, Woodville Infants and Junior which are only a short walk away as well as a Nursery on Blacksmiths Lane. The premises would be frequented by the local community, those visiting the local area and those commuting through the town as it is located on the main road through to Ashby and Burton and would be easily accessible to traffic to and from those towns.

There would be an increase in the opportunity for street drinkers and other members of the public to obtain alcohol early morning (9am) and thereby would be more likely to increase linked anti-social behaviour and associated crime within this area. There is a local park situated behind the premises and this location would encourage underage drinkers and any alcohol related ASB.

We have had regularly having several complaints in the area in relation to parking including delivery vehicles. This has also been widely reported and local residents have expressed their frustration at Parish Council meetings. I feel the selling of alcohol from these premises may have an impact on the traffic in the area and this could cause further disruption to the local community.

By applying for the licence I believe that it would lead to an increase in persons loitering within this residential and business area thereby giving cause for concern for public nuisance, public safety, protection of children from harm and a rise in Crime and Disorder within the locality of the premises, therefore undermining all the licensing objectives.

The Chip Shop is located next to Tesco Express and is also a short distance from a newly opened Asda Petrol Station. Anti-Social Behaviour has been reported in the past at both locations.

PC 168 Basra (Safer Neighbourhood Team Officer – Woodville / Hartshorne)

COPY TO



**South
Derbyshire**
District Council

RECORDED DELIVERY

PC 2673 Kelvin Hannah
Licensing Enforcement Officer
Licensing Team
D Division HQ
Prime Parkway
Chester Green
Derby DE1 3AB

Dear Sir/Madam

LICENSING ACT 2003 – NOTICE OF HEARING

UPO's Fish Bar, 42 High Street, Woodville, Swadlincote, Derbyshire, DE11 7EA

I write in relation to an application for the grant of a premises licence at the above premises. During the 28 day representation period, representations have been received from Derbyshire Constabulary, Derbyshire Trading Standards and Woodville Parish Council therefore the application must be determined by the Licensing and Appeals Sub-Committee.

In accordance with regulation 5 of The Licensing Act 2003 (Hearings) Regulations 2005, the hearing must be held within 20 working days beginning with the day after the end of the representation period. However, under regulation 11 of the above stated Regulations, an authority may extend the time limit for a specified period where it considers this to be necessary in the public interest.

The Licensing Authority has decided that it is in the public interest to extend the time limit to hold the hearing before 22nd June 2015. It has been decided it is in the public interest to extend the time period due to the forthcoming national and local elections. The Members of the Licensing Committee will not be appointed until the end of May. Furthermore, it is in the public interest to have fully trained Members of the Licensing and Appeals Sub-Committee to determine contested applications. A notice of hearing with the date and time of the hearing will be forwarded in due course.

Yours faithfully

Lisa Kinsey
Licensing Officer

Chief Executive

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

www.south-derbys.gov.uk

Please ask for: Lisa Kinsey

Phone: (01283) 595722

Typetalk: (0870) 2409598

DX 23912 Swadlincote

E-mail: licensing@south-derbys.gov.uk

Our ref:

Your ref:

Date: 28th April 2015



INVESTOR IN PEOPLE



APPLICATION FOR A NEW PREMISES LICENCE

Proposed Conditions

UPO'S Fish Bar, 42 High Street, Woodville, Derbyshire

1. A written "Challenge 25" age verification policy will be employed at the premise with regards to the sale of alcohol. This policy shall be adopted for any delivery vehicles, 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 verification policy operated at the premises will be clearly displayed.
3. There shall be sufficient signage in relation to the age verification policy in all areas where alcohol is displayed for sale, at the point of sale, on any vehicles used to deliver alcohol and on any literature that advertise the availability of delivery.
4. Any person who appears to be under 25 years of age will be required to provide a suitable proof of age before any alcohol is sold to them. A method of establishing any telephone sales will form part of the age verification policy as stated in condition (1)
5. The proof of age will be established with the production by the customer of either a 1) photo driving licence 2) current passport 3) Ministry of Defence identity card 4) Government approved "PASS" identity card.
6. A system of recording sales refused shall be operated at all times. This shall include sales refused at the point of order and at the point of delivery.
7. The refusal register shall be a log book with sequentially numbered pages. Due to the offering of deliveries, one refusal book will be located at all times in the premises; others will be located in any vehicle used to deliver alcohol.
8. All refusals in relation to the sale of alcohol will be entered in log books or registers kept for this purpose.
9. These log books/registers shall be kept on the premise for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.
10. A Personal Licence Holder shall be on the premise whilst they are open for licensable activities.
11. Full training is to be provided by the Designated Premises Supervisor to all staff on commencement of employment relating to all age restrictive 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 any deliveries of alcohol.

APPLICATION FOR A NEW PREMISES LICENCE

12. Refresher training will be provided at regular intervals (At least every six months). Written records detailing all training shall be kept on the premise for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.
13. Where the Premise Licence Holder employs, whether paid or unpaid, any person, that person shall have received training that shall include confirmation that the employee has read and understood all the 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 years and over. The training records shall be signed by the person providing the training and the trainee.
14. Any authorisation to staff to sell alcohol by a Personal Licence Holder shall be in writing. A copy of authorisation will be kept on the premises at all times and shall be produced upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003. The authorisation is to include any personnel delivering alcohol.
15. 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 façade of the building.
16. Alcohol shall only be sold directly to customers visiting the premises where the customer orders a substantial meal. The 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.
17. 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).
18. All home deliveries SHALL 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.
19. Where a courier or similar company is utilised to carry out deliveries on behalf of the premises licence holder, the courier company or similar shall ensure that an age verification procedure is in place to prevent the delivery of any alcohol to those persons under the age of 18.
20. The verification of the age of the person receiving the alcohol upon the delivery shall only take place using photographic forms of identification and take the form of either a 1) photo driving licence 2) current passport 3) Ministry of Defence identity card 4) Government approved "PASS" identity card.

APPLICATION FOR A NEW PREMISES LICENCE

21. The alcohol allocated to the order shall remain within the designated delivery vehicle until the age verification process has been completed and the age of the recipient has been verified to be over 18 years.
22. The premise 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.
23. Save for wine, the premises is restricted to stock and sell/supply alcohol with a maximum ABV of 7%. There shall be no sale, supply or storage of spirits, "alco-pops" or vermouths from or on the premises including any delivery vehicle.
24. Only alcohol that has been appropriated to an existing contract or order may be stored on any vehicle that is used for onward delivery.
25. Alcohol shall not be sold or offered for sale at a reduced or discounted price.
26. A list of designated delivery vehicles should be retained on site. This list shall contain the vehicle registration number, driver and passenger details and all areas covered.
27. A vehicle log book should be maintained within each vehicle, the log book shall have the availability to record driver details, times the vehicle is in use and the areas visited for the purposes of a delivery.
28. A CCTV system shall be installed at all times 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).
29. The CCTV recording system must be operating at all times when the premises are open for licensable activities.
30. All CCTV recordings must be retained for a period of no less than 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.
31. The Premises Licence Holder, DPS or other person left in charge of the premises must be able to retrieve and copy any recordings/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 the production of the images in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
32. The CCTV recording unit is to be kept secure, to be opened only by the premise licence holder, DPS or other authorised, designated member of staff.

APPLICATION FOR A NEW PREMISES LICENCE

33. Installed CCTV cameras are to be positioned both internally and externally so as to ensure that all parts of the premise to which the public has access are sufficiently covered.
34. All cameras installed will be of a standard that will offer an optimum image quality in low light.
35. All digital recordings are to be made in real time (time lapse is not to be used).
36. 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 premise for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.

Sale of alcohol Monday – Sunday (7 days) 11:30 – 22:30

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.

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- 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);

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- 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.
- 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.

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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.

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- 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

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- 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 ¹	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

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