



NOTICE OF MEETING

Meeting: Licensing Hearings
Date and Time: Tuesday, 30th November, 2021 at 10.00 am
Place: Council Chamber
Enquiries to: committeeservices@hart.gov.uk
Members: Butler, Delaney and Wildsmith

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council website.

Please download all papers through the Modern.Gov app before the meeting.

- At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.
- The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording - Please see our protocol on [Attending and Reporting Meetings](#).

1 APPOINTMENT OF CHAIRMAN

2 DECLARATIONS OF INTEREST

3 APPLICATION FOR A NEW PREMISES LICENCE

3 - 72

**GRANDMA BUGGINS, 3 WHITE HART PARADE, LONDON ROAD,
BLACKWATER, GU17 9AD**

To consider and determine an application for a new premises licence application for Grandma Buggins, 3 White Hart Parade, London Road, Blackwater, GU17 9AD in accordance with the requirements of the Licensing Act 2003.

The following supporting documents are attached:

Appendix 1 - Application for new premises licence and premises plan

Appendix 2 - Representation from Hampshire Constabulary

Appendix 3 - Representation from interested party

Appendix 4 - Mediation – amendment to application

Appendix 5 - Mediation communications - representations not withdrawn

Appendix 6 - Extracts from section 182 Guidance

Appendix 7 - Extract from Hart Statement of Licensing Policy

Date of Despatch: Friday, 19 November 2021

LICENSING SUB-COMMITTEE

DATE OF MEETING: Tuesday 30 November 2021 – 10.00am

TITLE OF REPORT: APPLICATION FOR A NEW PREMISES GRANDMA
BUGGINS, 3 WHITE HART PARADE, LONDON ROAD,
BLACKWATER GU17 9AD

Report of: Head of Place

1 PURPOSE OF REPORT

1.1 This report is to enable members to consider and determine an application for a new premises licence for Grandma Buggins, 3 White Hart Parade, London Road, Blackwater in accordance with the requirements of the Licensing Act 2003.

2 OFFICER RECOMMENDATION

2.1 It is recommended that:

The sub-committee consider the evidence of all parties involved at the hearing and have regard to the guidance issued under section 182 of the Licensing Act 2003 and the council's statement of licensing policy, then take the steps it considers appropriate to promote the licensing objectives to determine the application.

2.2 It is for members of the Licensing Sub-Committee to determine the application and consider the steps it considers appropriate for the promotion of the licensing objectives which may include one or more of the following options (s18(4)):

- Grant the licence subject to:
 - 1) The conditions consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives and
 - 2) Any mandatory conditions which must under section 19 (relating the sale of alcohol) and 21 (relating to door supervision) of the Licensing Act 2003 which must be included in the licence if relevant to the proposed activities.
- Exclude from the scope of the licence any of the licensable activities to which the application relates
- Refuse to specify a person in the licence as the premises supervisor
- Modify the conditions of the licence or add new conditions
- Reject the whole or part of the application

2.3 When determined, the licensing authority must notify that decision including its reasons for that decision in a notice to:

a) The applicant,

- b) Any person who has made relevant representations, and
- c) The chief officer of Police for the area in which the premises is situated.

2.4 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision.

3 BACKGROUND

3.1 Grandma Buggins is situated within a parade of mixed retail outlets with a three story residential apartment block above. There are two public houses in close proximity to the premises which are both permitted to sell alcohol for consumption on and off the premises until 01.00hrs on Friday and Saturday and until 00.00hrs the rest of the week. Grandma Buggins already benefits from a premises licence to provide late night refreshment; the sale of hot food and beverages which was granted in 2005. Members are considering a new application.

Existing licence

Late Night Refreshment	Sunday to Wednesday	23.00 – 02.00hrs
	Thurs, Fri & Saturday	23.00 – 03.00hrs

The new application proposes the following activities:

Permitted activities	Permitted Hours	
Late Night Refreshment	Sunday to Wednesday	23.00 – 02.00hrs
	Thurs, Fri & Saturday	23.00 – 03.00hrs
Sale of alcohol for consumption off the premises only	Sunday to Wednesday	11.30 – 02.00hrs
	Thurs, Fri & Saturday	11.30 – 03.00hrs
Recorded music	Sunday to Wednesday	11.30 – 02.00hrs
	Thurs, Fri & Saturday	11.30 – 03.00hrs

3.2 The application validated on 7 October 2021 seeks to permit late night refreshment, the sale of alcohol for consumption off the premises and recorded music as above. The application form and the premises plan can both be found at Appendix 1.

3.3 The Council advertised the application on our website and notice boards. Officers are satisfied the advertising regulations for this application were complied with.

The application is subject to a statutory 28 days consultation period in which responsible authorities and other parties are able to make representations which are relevant to the licensing objectives which are:

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

3.4 The applicant has proposed steps to promote the licensing objectives within the operating schedule of the application form, which will be translated into licence conditions. See section M of Appendix 1.

4 Should the premises licence be granted, the sale of alcohol, late night refreshment and recorded music would be subject to conditions imposed as a result of the determination of this hearing.

4.1 REPRESENTATIONS

4.2 Premises licence applications are subject to a statutory 28 day consultation period where representations can be submitted which are relevant to the licensing objectives. A representation is “relevant” if *it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.*

4.3 Within the consultation period, two relevant representations opposing the application were received, one from Hampshire Constabulary, a statutory consultee and the other from the Town Council within which the premises is located. These representations can be found at Appendices 2 and 3.

4.4 The Police representation relates to the prevention of crime and disorder and public nuisance objectives and recommends that the Licensing Sub-Committee refuse the application. However, if the panel are minded to grant the application then the Police would recommend SIA approved security operate at the premises from 23.00hrs until the determined closure time. Police Licensing highlight their cause for concern is due to recent assaults relating to the premises and another violent incident which took place in the vicinity of the premises. Hampshire Constabulary have also recorded further violent incidents within the post code area where the premises is located.

4.5 The Town Council’s representation focuses on potential anti-social behaviour and noise disturbance to adjacent residential apartments given the location.

4.6 On receipt of the representations the case officer commenced mediations between the representors and the applicant. The case officer provided the representations to the applicant’s agent and requested their feedback. The agent’s response (attached at Appendix 4) to address matters raised was forwarded to the parties who made representations.

4.7 The parties who submitted representations were asked if they were satisfied with the proposal to reduce the sale of alcohol timings and whether on that basis they would consider withdrawing their representations.

Both parties who submitted representations responded to the proposed amendment to the application and stated that it did not allay their concerns and that the proposed activities may lead to crime and disorder, anti-social behaviour and public nuisance. The case officer forwarded those concerns to the applicant's agent and advised the applicants agent that neither party would be withdrawing their representation. See Appendix 5. Any further communication or progress will be reported before or at the hearing.

5 CONSIDERATIONS/DETERMINATION

- 5.1 In carrying out its licensing functions, a licensing authority must have regard to its 'Statement of Licensing Policy' and the guidance issued under section 182 of the Act. Relevant extracts of both documents are attached at Appendices 6 and 7. Members should note this does not preclude them from considering the remainder of the guidance and policy.
- 5.2 The sub-committee must take the steps it considers appropriate to promote the licensing objectives. Further considerations regarding the Hearings chapter of the section 182 guidance attached at Appendix 6.
- 5.3 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision.
- 5.4 When making a decision regarding this application, members must focus on licensing related matters only. The sub-committee can only determine matters relating to licensable activities and within the control of the licence holder. Members are required to take the steps they consider appropriate to promote the particular licensing objective that has given rise to the specific representations and avoid straying into undisputed areas. The sub-committee must set out reasons for their decision within the decision notice.

6 POLICY IMPLICATIONS

- 6.1 In carrying out its licensing functions, a licensing authority must have regard to its "Statement of Licensing Policy" and the guidance issued under section 182 of the Licensing Act 2003.

7.0 EQUALITIES AND HUMAN RIGHTS

- 7.1 Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant/licensee and those making representations when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1988 when making its decisions to do all it can to prevent crime and disorder in the District
- 7.2 Legal Implications - The decision made by this sub-committee is subject to appeal rights to the Magistrates Court. Appeal rights must be included within the decision notice.
- 7.3 Where a decision is made that is contrary to the statement of Licensing Policy or is contrary to statutory guidance members must clearly state their grounds for departing from those documents within the decision notice.

7.4 The duties to take steps appropriate to promote the licensing objectives are referred to throughout this report.

8 **FINANCIAL IMPLICATIONS**

8.1 There are no financial implications arising out of this report.

9 **CLIMATE CHANGE**

9.1 There are no climate change implications arising from this report

10 **CONCLUSION**

10.1 The sub-committee must consider the application on its own individual merits and take into account all relevant matters then determine the applications by taking the steps it considers appropriate to promote the licensing objectives. The options available to the committee are detailed within paragraph 2.2 of this report.

Contact Details: Ms Angela Semowo Licensing Officer, Shared Licensing Service. Tel: 01252 622122
angela.Semowo@hart.gov.uk

APPENDICES / CONFIDENTIAL APPENDICES

- Appendix 1 – Grandma Buggins – application for new premises licence and premises plan**
- Appendix 2 – Representation from Hampshire Constabulary**
- Appendix 3 – Representation from interested party**
- Appendix 4 - Mediation – amendment to application**
- Appendix 5 - Mediation communications – representations not withdrawn**
- Appendix 6 - Extract from section 182 guidance**
- Appendix 7 - Extract from Hart Statement of Licensing Policy**

BACKGROUND PAPERS:

The Licensing Act 2003

Hart District Council – Statement of Licensing Policy

Guidance issued under section 182 of the Licensing Act 2003

**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/W METIN OZLEN

e

.....
(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 WHITE HART PARADE LONDON ROAD BLACKWATER			
Post town	CAMBERLEY	Postcode	GU17 9AD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 10875.00

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *

- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- ii as an unincorporated association or please complete section (B)
- i
- 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)
- ga) please complete section (B)
a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England
- 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 (by ticking yes to one box below):

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)

M r	<input checked="" type="checkbox"/>	Mr s	<input type="checkbox"/>	Mis s	<input type="checkbox"/>	M s	<input type="checkbox"/>	Other Title (for example, Rev)	
Surname OZLEN					First names METIN				
Date of birth [REDACTED]					I am 18 years <input checked="" type="checkbox"/> Please tick yes				
Nationality BRITISH									

Current residential address if different from premises address	[REDACTED]		
Post town	ROMFORD	Postcode	[REDACTED]
Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Ms <input type="checkbox"/>	Mis <input type="checkbox"/>	M <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old <input type="checkbox"/> Please tick yes			
Nationality					
Current postal address if different from premises address	[REDACTED]				
Post town	[REDACTED]			Postcode	[REDACTED]
Daytime contact telephone number	[REDACTED]				
E-mail address (optional)	[REDACTED]				

(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	[REDACTED]
------	------------

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?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

<p>Please give a general description of the premises (please read guidance note 1)</p> <p style="text-align: center;">Fast food takeaway</p>
--

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- 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 I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur								
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)					
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
			<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 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)	
Tue				
Wed				<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 6)
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
			<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 6)		

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	11:30	02:00			
Tue	11:30	02:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed	11:30	02:00			
Thur	11:30	03:00	<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 6)		
Fri	11:30	03:00			
Sat	11:30	03:00			
Sun	11:30	02:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<u>Please give further details here</u> (please read guidance note 4)	
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	23:00	02:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	02:00			
Wed	23:00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	03:00			
Fri	23:00	03:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	03:00			
Sun	23:00	02:00			

Personal licence number (if known)

██████

Issuing licensing authority (if known)

LONDON BOROUGH OF BARKING&DAGENHAM

□□□□

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:30	02:00	
Tue	11:30	02:00	
Wed	11:30	02:00	
Thur	11:30	02:00	
Fri	11:30		

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 6)

Sat	11:30	03:00	
Sun	11:30	02:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to;

- No selling alcohol to underage people
- No drunk and disorderly behaviour on the premises
- Vigilance in preventing the use and sale of illegal drugs at the retail area
- No violent and anti-social behaviour
- No harm to children

- Operating schedule providing the hours of operating and licensable activities during those hours

- Designated Premises Supervisor confirms and obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record_ to make or authorize each sale.

- Clear “Challenge 25” Information to prevent the supply of alcohol to under-age drinkers

- CCTV system installed with recording

- Roller metal exterior window shutter will be fixed to ensure that shop front is always safe and secure.

As a licensed premise we know that is necessary to carry out our functions or operate the business with purpose of promoting these objectives. We promise to support these objectives through operating, schedule and other measures including staff training and qualifications, policies, and strategic partnership with other agencies

No binge drink promotions will take place
Any person who appeared to be drunk and disorderly will not permitted to premises
Notices will be placed prominent positions to ask patrons to leave quietly
Suitable evacuation plan in case of any emergency

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The logbook shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation, and other installations, will be always maintained in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum.

This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol. Well trained staff about requirement for persons' identification, age establishment etc. All the details provided in Training Record Book available the retail unit. Logbook will be kept upon the premises all the time. Nothing belong existing Health & Safety requirements

Checklist:

Please tick to indicate agreement

- 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 designated 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.
-

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).


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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS

SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	02/09/2021
Capacity	PLH

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

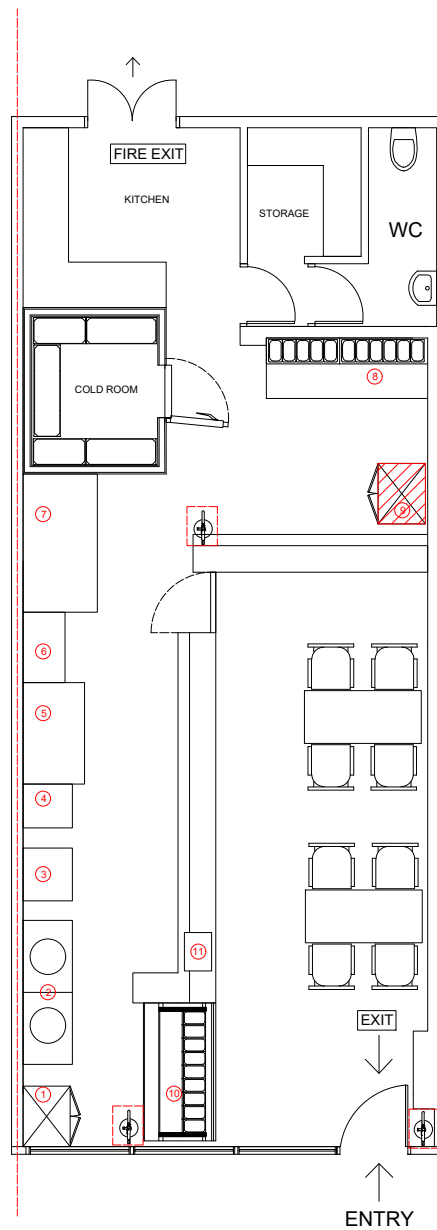
Signature	
Date	
Capacity	




Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

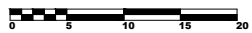
APPENDIX 1



-  Fire Extinguisher
-  Boundary
-  Alcoholic Beverages

- 1- Soft Drink Fridge
- 2- Roller Grill Gyros
- 3- Milkshake Machine
- 4- Deep Fryer
- 5- Chargrill
- 6- Oven
- 7- Pizza Oven
- 8- Pizza Prep Counter
- 9- Bottle Cooler(Alcoholic Beverages)
- 10- Display Fridge
- 11- Till

① FLOOR PLAN



VISUAL SCALE 1 : 100 @ A3

Project: Grandma Buggins & Burger, Pizza & Kebab House	
Client: METIN OZLEN	
Address: White Hart Parade, London Rd, Blackwater, Camberley GU17 9AD	
Scale 1100@A3	Date 01.10.2021
DRG BY: Enise Parlak	

Form for representations/objections from Hampshire Constabulary

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a -representation- under the Licensing Act 2003, regarding the:

<input checked="" type="checkbox"/>	.1: New Premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	.2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	METIN OZLEN
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	GRANDMA BUGGINS WHITE HART PARADE LONDON ROAD BLACKWATER
Postcode:	GU179AD

Details of responsible authority applicant

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title / Rank:	PC 3715
Surname:	DENNETT			First Names:	PHIL
Current postal address :	PARKLANDS BUILDING COUNCIL OFFICES LONDON ROAD BASINGSTOKE				
Postcode:	RG214AH				
Daytime telephone number:	101				
E-mail address: (optional)	[REDACTED]				

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



Form for representations/objections from Hampshire Constabulary

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

- | | |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety | <input type="checkbox"/> |
| 3) The prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) The protection of children from harm | <input type="checkbox"/> |

*Please select
one or more
boxes*

Please state the ground(s) for -representation-:

Grandma BUGGINS is a Burger and Kebab house in London Road, Camberley. It is in a parade of shops near to the train station and also within 100 yards of both the Royal Swan Public House and Mr Bumble Public House. It is also situated next to other retail premises on the ground floor of a large residential block. Hampshire Police were in receipt of a New Premises Licence Application for the venue detailing the request to:-

Play recorded music from 11:30hrs to 02:00hrs Sunday to Wednesday and 11:30hrs to 03:00hrs Thursday to Saturday.

Late Night Refreshment 23:00hrs to 02:00hrs Sunday to Wednesday and 23:00hrs to 03:00hrs Thursday to Saturday.

Supply of Alcohol (off premises) 11:30hrs to 02:00hrs Sunday to Wednesday and 11:30hrs to 03:00hrs Thursday to Saturday.

Hours open to the public – 11:30hrs to 02:00hrs Sunday to Thursday and 11:30hrs to 03:00hrs Friday and Saturday.

My immediate concerns in regards to the aforementioned details is that the application details Recorded Music, Late Night Refreshment and Supply of alcohol until 0300hrs on Thursday evenings but the premises is only open until 02:00hrs. Therefore it would be sensible to suggest that the premises would be operating outside of its opening hours.

Hampshire Police were not consulted or even contacted prior to this application being submitted as per Sec 182 of The Licensing Guidance. Therefore this prevented an established line of communication between the parties. I have clear reservations about the lack of communication and joint working if the application was to be granted.

The representations presented by Hampshire Police centre around the prevention of crime and disorder and the prevention of public nuisance.

On the 06/10/2021 there were 3 assaults relating to the premises which involved staff and customers. This was confirmed as 2 x Actual Bodily Harm and 1 x Common Assault.

On the 25/09/2021 there was a violent incident outside of the premises and on police arrival the CCTV within the premises was not working and had not been for 3 months prior. It is important to note that CCTV is not a current condition.

Form for representations/objections from Hampshire Constabulary

It is important to note the following breakdown of police recorded violent incidents in the following areas related to this premises. GU17 9AD is the postcode of the premises and within this the following incidents have occurred:-

12/10/2018 – 12/10/2019 : 1 x public order offence 2 x assaults
 13/10/2019 – 12/10/2020 : 7 x public order offences 2 x assaults
 13/10/2020 – 12/10/2021 : 3 x assaults

To get a greater picture of violent crime within the area the following incidents have been recorded when the postcode is adjusted to GU179A*. These will of course include the offences under the above postcode.

12/10/2018 – 12/10/2019 : 3 x public order offences 17 x assaults
 13/10/2019 – 12/10/2020 : 13 x public order offences 16 x assaults
 13/10/2020 – 12/10/2021 : 5 x public order offences 15 x assaults.

There are two public houses nearby which benefit from closing times in regards to late night refreshment as 01:30hrs on Friday and Saturday and sale of alcohol ceases at 01:00hrs on the same days. There is a real and immediate concern that customers from the nearby premises will leave after the licensable hours and visit Grandma Buggins in order to partake in late night refreshment and purchase more alcohol thus increasing the propensity for alcohol-fuelled violence. This is clearly not acceptable for this residential area.

This representation is respectfully forwarded for the consideration to reject the application submitted.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

REJECTION OF APPLICATION

If the committee are minded to approve the application then police would recommend SIA approved security from 23:00hrs until the determined closure time.

Conditions as per application form in regards to Section M.

Signature of Officer Completing

Name PHIL DENNETT

Collar Number: [REDACTED]

Signature: PHIL DENNETT

Date:

12/10/2021

Signature of Authorising Officer



**Form for representations/objections
from Hampshire Constabulary**

Name	<u>A/PS Pete Rackham</u>	Collar Number:	<u>[REDACTED]</u>
Signature:	<u>P.Rackham</u>	Date:	<u>12/10/2021</u>

21/00474/LAPRE Grandma Buggins

Enquiries | Blackwater and Hawley [REDACTED]

Mon 01/11/2021 18:00

To: License Hart <licence@hart.gov.uk>

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

OBJECTION

Councillors considered that there was no justification for the extended opening hours which may cause noise and disturbance to adjacent flats and the possibility of anti-social behaviour. Nearby pubs are not able to open beyond 12am and there is a likelihood that, were the alcohol licence granted, it could become an inappropriate after-hours drinking location given the residential location.

At the Planning & Payments Committee Meeting of Blackwater and Hawley Town Council, Councillors resolved to provide the following comments on the above Licence Application.

Kind regards

[REDACTED]
TOWN CLERK

Blackwater and Hawley Town Council
Hawley Leisure Centre, Hawley Road, Blackwater GU17 9BW

Tel: 01276 33050

<http://www.blackwaterandhawleytowncouncil.gov.uk/>

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, you should not copy it re-transmit it, use it or disclose its contents, but should return it to the sender immediately and delete your copy from your system. Blackwater and Hawley Town Council does not accept legal responsibility for the contents of this message. Any views or opinions presented are solely those of the author and do not necessarily represent those of Blackwater and Hawley Town Council.

RE: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

Hayirola Berkpinar <[REDACTED]>

Mon 08/11/2021 15:56

To: License Hart <licence@hart.gov.uk>

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

Dear Angela, after consultation with my client which was agreed to reduce the hours of sale of alcohol from 02:00 am to 01:00 am from Sunday to Wednesday for Thursday, Friday, and Saturday the hours will reduce from 03:00 am to 01:00 am. Late-night refreshment remains the same. I hope this will address the concerns of relevant authorities, however if they have further concerns I am happy to collaborate.

Kind regards

From: License Hart <licence@hart.gov.uk>

Sent: 08 November 2021 15:08

To: Hayirola Berkpinar <[REDACTED]>

Subject: Re: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

Importance: High

Mr Berkpinar,

Further to my last email, can you please set out your response to Blackwater and Hawley Parish Council and Hampshire Constabulary in order or them to consider withdrawing their objections by return of email. Without this, mediation cannot take place.

I look forward to hearing from you.

Kind regards,

Angela

Ms Angela Semowo

Licensing Officer

Shared Licensing Service

Hart District Council & Basingstoke & Deane Borough Council

Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

www.hart.gov.uk

[@HartCouncil](#)

Facebook: [/HartDistrictCouncil](#)

From: License Hart <licence@hart.gov.uk>

Sent: 08 November 2021 13:45

To: Hayirola Berkpinar <[REDACTED]>

Subject: Re: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

Good afternoon Mr Berkpinar,

Thank you for your email.

The last day for comments is today. If you wish to mediate with the Town Council I am happy to provide their contact details, however in the meantime I will be arranging for a Hearing to take place as neither Hampshire Constabulary nor the Town Council have withdrawn their representations.

Please let me know.

Kind regards,

Angela

Ms Angela Semowo
Licensing Officer
Shared Licensing Service

Hart District Council & Basingstoke & Deane Borough Council

Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

Re: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

License Hart <licence@hart.gov.uk>

Tue 16/11/2021 11:12

To: Hayirola Berkpinar <[REDACTED]>

Good morning Mr Berkpinar,

Further to your last email, Hampshire Constabulary have no further comments to make, and do not wish to withdraw their representation.

With regards to Blackwater and Hawley Town Council, they also do not wish to withdraw their representation and have responded as follows:

"In reference to the amended application for Grandma Buggins, Blackwater & Hawley Town Councils' position on this application remains unchanged. It's felt there is nothing to be gained from mediation as we strongly feel that the principle of alcohol sales, especially beyond the permitted opening hours of local pubs, is not something we consider to be justifiable in any way.

Grandma Buggins is a 'take away' establishment, located underneath a significant number of residential properties and only metres from a residential area not unfamiliar with antisocial behaviour. Permitting off sales in such a location is only likely to encourage and exacerbate unacceptable concerns for local residents, by way of the licensing objectives previously highlighted.

*Prevention of Crime and Disorder
Public Safety
Prevention of Public Nuisance
Protection of Children From Harm*

We consider that extending the opening hours beyond the existing 12.30am limit, to be unnecessary and likely to be detrimental to community amenity, due to noise disturbance, anti-social behaviour.

While not wishing to appear unsupportive of local business initiatives, we feel there is no room for movement with regard the Councils position on this application as the safety and welfare of local residents must take priority in this case"

I shall conclude my report this afternoon to include mediation communications. You will be contacted in due course by our Legal team and Committee Services with information regarding a Licensing Sub-Committee Hearing which is provisionally scheduled for 30 November.

Kind regards,

Ms Angela Semowo
Licensing Officer
Shared Licensing Service
Hart District Council & Basingstoke & Deane Borough Council
Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls

will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

www.hart.gov.uk

[@HartCouncil](#)

Facebook: [/HartDistrictCouncil](#)

From: Hayirola Berkpinar <[REDACTED]>
Sent: 09 November 2021 10:26
To: License Hart <licence@hart.gov.uk>
Subject: RE: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

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

Dear Angela, please bear in mind that alcohol only be served with food deliveries, there will be no alcohol consumption at the premises. The alcohol is only beers and wines. I don't know whether Mr Dennet is aware of this.

From: License Hart <licence@hart.gov.uk>
Sent: 09 November 2021 10:21
To: Hayirola Berkpinar <[REDACTED]>
Subject: Re: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS
Importance: High

Good morning,

Hampshire Constabulary have responded to the proposed amendment. Please see their response below:

The below still does not satisfy my concerns. In regards to my original representation if there is an agreement of SIA after 23:00hrs then it would be acceptable from a policing / crime and disorder point of view.

If you could let me have your comments on response to the above I would be grateful.

Kind regards,

Angela

Ms Angela Semowo
Licensing officer
Shared Licensing Service

Hart District Council & Basingstoke & Deane Borough Council

Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

www.hart.gov.uk

[@HartCouncil](#)

Facebook: [/HartDistrictCouncil](#)

From: Hayirola Berkpinar <[REDACTED]>
Sent: 08 November 2021 15:56
To: License Hart <licence@hart.gov.uk>
Subject: RE: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

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

Dear Angela, after consultation with my client which was agreed to reduce the hours of sale of alcohol from 02:00 am to 01:00 am from Sunday to Wednesday for Thursday, Friday, and Saturday the hours will reduce from 03:00 am to 01:00 am. Late-night refreshment remains the same. I hope this will address the concerns of relevant authorities, however if they have further concerns I am happy to collaborate.

Kind regards

From: License Hart <licence@hart.gov.uk>
Sent: 08 November 2021 15:08
To: Hayirola Berkpinar <[REDACTED]>
Subject: Re: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS
Importance: High

Mr Berkpinar,

Further to my last email, can you please set out your response to Blackwater and Hawley Parish Council and Hampshire Constabulary in order or them to consider withdrawing their objections by return of email. Without this, mediation cannot take place.

I look forward to hearing from you.

Kind regards,

Angela

Ms Angela Semowo
Licensing Officer
Shared Licensing Service
Hart District Council & Basingstoke & Deane Borough Council
Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

www.hart.gov.uk

[@HartCouncil](#)

Facebook: [/HartDistrictCouncil](#)

From: License Hart <licence@hart.gov.uk>

Sent: 08 November 2021 13:45

To: Hayirola Berkpinar <[REDACTED]>

Subject: Re: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

Good afternoon Mr Berkpinar,

Thank you for your email.

The last day for comments is today. If you wish to mediate with the Town Council I am happy to provide their contact details, however in the meantime I will be arranging for a Hearing to take place as neither Hampshire Constabulary nor the Town Council have withdrawn their representations.

Please let me know.

Kind regards,

Angela

Ms Angela Semowo
Licensing Officer
Shared Licensing Service
Hart District Council & Basingstoke & Deane Borough Council
Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

www.hart.gov.uk

[@HartCouncil](#)

Facebook: [/HartDistrictCouncil](#)

From: Hayirola Berkpinar <[REDACTED]>
Sent: 08 November 2021 12:45
To: License Hart <licence@hart.gov.uk>
Subject: RE: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS

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

Dear Angela, thank you for your email which content has been noted, how could I address these concerns. If you could assist me for the way I should approach them. Thank you very much I hope to hear from you soon.

Kind regards
Hayirola Berkpinar ACIEH
One2One Safety Consultancy



From: License Hart <licence@hart.gov.uk>
Sent: 02 November 2021 14:57
To: Hayirola Berkpinar <[REDACTED]>
Subject: REPRESENTATION - APPLICATION FOR PREMISES LICENCE - GRANDMA BUGGINS
Importance: High

Good afternoon Mr Berkpinar,

Ref: Grandma Buggins, White Hart Parade, Blackwater, GU17 9AD

Please be advised that this application has received a representation from **Blackwater and Hawley Town Council**:

OBJECTION

Councillors considered that there was no justification for the extended opening hours which may cause noise and disturbance to adjacent flats and the possibility of anti-social behaviour. Nearby pubs are not able to open beyond 12am and there is a likelihood that, were the alcohol licence granted, it could become an inappropriate after-hours drinking location given the residential location.

If you require anything further please let me know

Kind regards

Angela

Ms Angela Semowo

Licensing Officer

Shared Licensing Service

Hart District Council & Basingstoke & Deane Borough Council

Tel: 01252 622122

Please be advised that following the latest [HM Government guidance](#) regarding the outbreak of Coronavirus (COVID-19), the Licensing Team will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause.

www.hart.gov.uk

[@HartCouncil](#)

Facebook: [/HartDistrictCouncil](#)

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The guidance

1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

Purpose

1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licensing policies

1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

Licensable activities

1.13 For the purposes of the 2003 Act, the following are licensable activities:

- 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.

General principles

1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other

persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

Licence conditions – general principles

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

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators’ Code under the Legislative and Regulatory Reform Act 2006

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 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.

Public nuisance

2.15 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.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music

between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.26 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.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

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.

3.21 The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 23.00 may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.

Responsible authorities

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

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

Other persons

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

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

Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Steps to promote the licensing objectives

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between

applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

Advertising applications

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

Applicants are required to:

- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
- display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.
- ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

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

Determining applications

General

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means

that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

The role of responsible authorities

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

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local areas. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the

licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Disclosure of personal details of persons making representations

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

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

9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing

commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.

9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

the steps that are appropriate to promote the licensing objectives;

- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule.

Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

General

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the

carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions

which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

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

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Mandatory conditions in relation to the supply of alcohol

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

Designated premises supervisor

10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.27 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain

responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives

Authorisation by personal licence holders

10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.31 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.32 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Age verification

10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of

alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.

10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.

10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.

10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.

10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

The Licensing Act 2003

14.1 This chapter provides guidance on the development and preparation of local statements of licensing policy for publication by licensing authorities, the general principles that it is recommended should underpin them, and core content to which licensing authorities are free to add.

General

14.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing

authority determines and publishes its policy in this way, a new five-year period commences on the date it is published. Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.

14.3 Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for the licensing authority to determine whether revisions to its own licensing policy statement are appropriate.

Fundamental principles

14.9 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.

14.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.

14.11 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

14.12 Statements of policies should make clear that:

- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
- conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

14.13 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

The need for licensed premises

14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Licensing hours

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However,

licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

Recorded music

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes places before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;⁶⁰
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended)

APPENDIX 7

Relevant extracts from Hart District Council Statement of Licensing Policy

2.1 When administering licensing matters the council as the Licensing Authority will have regard to and promote the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are:

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance, and**
- **Protection of Children from Harm**

The Council gives equal weight to each of these objectives.

3.1 Hart District Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and amendments to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices. The activities as defined by the Act include:

- Sale and/or supply of alcohol
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event (subject to some exemptions)
 - boxing or wrestling entertainment
 - a performance of live music (subject to some exemptions)
 - playing of recorded music (subject to some exemptions)
 - provision of late night refreshment
 -

Some exemptions exist for audiences of fewer than 500 if provided between the hours of 8am and 11pm.

3.3 The Policy will apply across a range of applications which include the following:

- i) New Premises Licences and Club Premises Certificates
- ii) Variations to Premises Licences and Club Premises Certificates
- iii) Provisional Statements for proposed premises yet to be built
- iv) Transfer of Premises Licences
- v) Disapplication of mandatory condition in respect of alcohol sales at village Halls and community premises
- vi) Variations of licences to change the Designated Premises Supervisor
- vii) Reviews of Premises Licences and Club Premises Certificates
- viii) Personal Licences
- ix) Temporary Events Notices

3.4 Hart District Council has a wide range of premises across the District to which the policy licences and activities apply. These include:

Licensed private members clubs/social clubs	Wholesalers/Internet sales of alcohol	Supermarkets
Cafes	Licensed open spaces	Off Licences
Cinemas/Theatre/Concert Hall	Public Houses	Late night food traders
Hotels and guest houses	Restaurants	Night clubs
Community premises/village halls	Sports clubs with Bars	Mobile food vendors

4.2 It is fact that well managed licensed premises and licensable activities contribute to the District's activity, vitality, vibrancy and economy by attracting local residents and visitors to use the premises and facilities on offer, and provide sustainable employment for people who work at those premises. The licensed premises and licensable activities regulated by the Licensing Act 2003 will play a significant part in realising that vision.

5 POLICY AIMS

5.1 This Policy aims to promote the Licensing Authority's vision for the District as a whole and its hopes:

'to encourage in our District a wide choice of high quality and responsibly managed entertainment and cultural venues which provide a diverse range of licensed activities, community interaction and a variety of places for retail and refreshment, ensuring at all times the safety and amenity of residential communities, business communities and the visiting public'

5.5 The aim of this Policy is to clearly set out how Hart District Council in its role as the Licensing Authority will promote the four licensing objectives when dealing with licensing matters. The four licensing objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

5.6 The Licensing Authority will regulate licensable activities at licensed and unlicensed premises in the combined interests of the public and licensed trades, and recognises that these activities contribute to the quality of lives of the districts residents, businesses and visitors and help support the local economy.

5.7 To achieve this aim the council is committed to partnership working with the responsible authorities, local businesses, licensing trade, residents, those involved in the protection of children and other interested parties towards the promotion of the objectives. The council will ensure that it takes into account the views of these stakeholders and ensure proper integration of local crime prevention, planning, transport, employment, tourism and cultural strategies.

5.8 The Licensing Authority aims to balance the protection of the amenity of the local population with the expectations and ability of local businesses to operate in an environment that is attractive and sustainable for their business. The Policy aims to minimise the impacts of licensable activities on residents, visitors, stakeholders and the environment.

5.9 This Policy aims to guide applicants, residents and other persons on the general approach that the council will take to licensing applications and other related issues. Although each application will be considered individually on its own merits, this Policy indicates the wider considerations that will be taken into account when determining applications. However, it is not the Council's intention in adopting this Policy to override the right of any person to make an application and have it considered on its merit.

5.10 The Council will work with other local authorities, particularly those with whom boundaries are shared, to ensure a consistent approach is taken to licensing issues whilst respecting the differing needs of the individual communities.

6 LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

6.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including age and gender. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.

6.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment

Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises

Advice

6.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans, as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website at

<http://www.hart.gov.uk/alcohol-entertainment#alcohol>

6.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them.

Supermarkets and other 'off' licensed premises selling alcohol

6.7 All 'off' licensed premises must comply with the *Licensing Act 2003 Mandatory Conditions Order* in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter **proxy** sales on behalf of under 18's.

6.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors, to prevent a risk of underage consumption.

Designated Premises Supervisor (DPS) at alcohol licensed premises

6.11 Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.

6.12 The Licensing Authority would expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.

6.13 The Licensing Authority expects that a DPS should have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.

7 RESPONSIBLE AUTHORITIES AND OTHER PERSONS

7.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Hart District Council web-site at: http://www.hart.gov.uk/sites/default/files/2_Businesses/Licensing_and_permits/Alcohol_and_entertainment/Responsible%20authorities%20March%202016.pdf

7.2 When dealing with applications for licences and reviews of premises licenses, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons including ward councillors to comment both for and against applications for premises licences and club premises certificates and for reviews.

7.3 The Licensing Authority may only consider representations that are relevant, in that they relate to the promotion of the licensing objectives, or that they raise issues in relation to this Statement of Licensing Policy or Home Office Guidance.

7.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.

7.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

7.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.

7.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will consider are likely to include:

- i) who is making the representation, and whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous
- ii) whether the representation raises a 'relevant' issue
- iii) whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.

7.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.

Closing times

8.9 Where matters of concern arise from an application which generates representations, the Licensing Authority will, where appropriate, control or restrict trading hours and/or activities and impose appropriate and proportionate licence conditions to adequately mitigate those concerns where evidence supports such control, in order to promote the licensing objectives.

8.10 Where noise nuisance arises from customers some distance from licensed premises affecting local residents which is caused by customers leaving the late night premises, the council may use its powers under the Environmental Protection Act 1990 where evidence is obtained of statutory nuisance.

11 HUMAN RIGHTS AND EQUAL OPPORTUNITIES

11.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Council will interpret the Licensing Act 2003 (LA 2003) in a manner consistent with the Human Rights Act 1998.

11.2 The Council will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.

11.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

11.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

CONSIDERATION OF APPLICATIONS

14 NEW PREMISES LICENCES

14.1 This Council is aware that in making decisions about applications for licences it will have regard to:

- i) its Statement of Licensing Policy made under section 5 of the Licensing Act 2003
- ii) the Statutory Guidance issued under section 182 of the Licensing Act 2003, and that decisions made are reasonably consistent with the four licensing objectives.

14.4 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.

14.5 Licensing officers will also notify ward councillors in whose ward the application relates to, and the parish council for the relevant parish.

14.7 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 23 of this policy will apply.

22 HEARINGS

22.1 Any application that has resulted in the submission of relevant representations from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.

22.2 A sub-committee will consist of three suitably trained members of the Licensing Committee. No members will serve on a sub-committee involving an application for a licence within their own district ward. The subcommittee will be advised on the law by a member of the Council's Shared Legal Services Team. That legal team member will not be involved in the application process in order to avoid a conflict of interest by ensuring a clear separation of roles.

22.3 This Policy will play a key role in achieving consistency in decision making and will ensure decisions are made in a way which promotes a sustainable leisure economy for the district.

22.4 Where representations are made only by Responsible Authorities, the Council would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve issues before attending the licensing hearing.

22.6 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

22.7 The Council must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.

22.8 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application. Decision notices will be issued within 5 working days or the same day in the instance of applications for a review.

22.9 In respect of all of the licensing objectives, licensing officers may be asked to assist in the drafting of licence conditions relevant to the application and representations in order to assist the Sub-Committee at a hearing.

23 LICENCE CONDITIONS

23.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions will be deemed appropriate and proportionate in order to promote the licensing objectives at that premises.

23.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

23.3 Applicants will be expected to include appropriate steps within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be achievable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.

23.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.

23.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be expected to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable and reasonable conditions for new and variation applications.

23.6 In all cases the Council will have regard to the Guidance when considering the implementation of licence conditions. Further information on the Guidance can be found at the Home Office website by clicking here: [Guidance to the Licensing Act issued by the Home Office - https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance](https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance)

23.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises itself and the areas around the premises which is within the licence holders control.

23.8 The Council recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

Conditions to promote the Prevention of Crime and Disorder

23.9 Under the Act the Council has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District.

23.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- i) Prevention of disorderly conduct and anti-social behaviour
- ii) Prevention of underage drinking
- iii) Prevention of sales of alcohol to intoxicated customers
- iv) Prevention of drunkenness both on and in the vicinity of the premises
- v) Prevention of drug use and drug dealing
- vi) Restriction of drinks promotions
- vii) Use of safety glass
- viii) Inclusion of a wind-down time following alcohol sales period
- ix) Adequate seating to discourage “vertical drinking”
- x) The offer of food and snacks or other entertainment or occupation to discourage persistent drinking
- xi) Prevention of noise nuisance by customers waiting to enter a premises and on leaving

23.12 Where the Council determines after consultation with the police that a premise is one that warrants additional security and monitoring, it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area. Applicants will be expected to seek advice from the Police and the Council will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence.

23.15 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidence purposes. Licence holders will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

23.16 In any application the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to the objectives.

Conditions to promote Public Safety

23.17 The applicant will be expected to show that the physical safety of persons attending the premises will be protected and will offer relevant steps in the operating schedule to promote this.

23.18 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

Conditions to promote the Prevention of Public Nuisance

23.20 The applicant will be expected to detail steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

23.21 The applicant will be expected to demonstrate that they have considered and included steps to prevent public nuisance, such as:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Noise from use of the garden/outside space including smoking shelters.
- (viii) Delivery and collection times and locations.
- (ix) Impact of external security or general lighting on residents.
- (x) History of management of and complaints about the premises.
- (xi) Applicant's previous success in preventing Public Nuisance.
- (xii) Outcomes of discussions with the relevant Responsible Authorities.
- (xiii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiv) Collection of litter arising from the premises
- (xv) Appropriate times of disposal of glass bottles into external waste receptacles
- (xvi) Provision of and encouraging use of toilet facilities for customers prior to leaving a premises.
- (xvii) Notices to clients asking them to respect the amenity of local residents.

23.22 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, closing windows and doors at appropriate times, management of smoking areas, etc.

23.23 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

Conditions to promote the Protection of Children from Harm

23.24 Applicants will be expected to detail steps to protect children at the premises from any harm. The Council recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Council would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

23.25 Steps to prevent children from harm must be included where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There is a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.

- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

23.26 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.