



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we SANDRA JANE JAMES
(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			
THE ALLEY 2-4 BRECK MEWS			
Post town	ROUGHTON	Postcode	FY6 7AA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	

Part 2 - Applicant details

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

Please tick as

- 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)
 - iii as an unincorporated association or ☐ please complete section (B)
 - iv other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) 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 ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

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

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <u>JAMES</u>			First names <u>SANDRA JANE</u>		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality <u>BRITISH</u>					

Current residential address if different from premises address			
Post town	BOULTON LE FYLDE	Postcode	
Daytime contact telephone number			
E-mail address (optional)			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	07	2018

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

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

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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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |

- e) live music (if ticking yes, fill in box E) ☐
- 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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

B

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

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon	0900	00.00		
Tue	0900	0000		
Wed	0900	0000	State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur	0900	0000		
Fri	0900	0000	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 (please read guidance note 6)	
Sat	0900	0000		
Sun	0900	0000		

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)	
Wed				
Thur			<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)	
Fri				
Sat			<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)	
Sun				

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 type="checkbox"/>			
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur						
Fri			<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						
Sun						

J

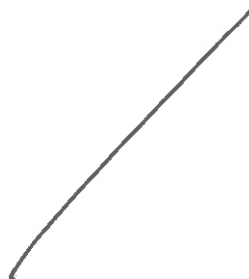
Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	
			On the premises	<input type="checkbox"/>
			Off the premises	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Mon	0900	0000		
Tue	0900	0000		
Wed	0900	0000		
Thur	0900	0000		
Fri	0900	0000		
Sat	0900	0000		
Sun	0900	0000		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
			New Years Eve 0900 - 01.00	

State the name and details of the individual whom you wish to specify on the licence as **designated premises supervisor** (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	SANDRA JANE JAMES
Date of birth	
Address	POULTON LE FYLDE
Postcode	
Personal licence number (if known)	WBCPA2279
Issuing licensing authority (if known)	WYRE COUNCIL

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).



L

Hours premises are open to the public
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	09.00	06.30
Tue	09.00	00.30
Wed	09.00	00.30
Thur	09.00	00.30
Fri	09.00	00.30
Sat	09.00	00.30
Sun	09.00	00.30

State any seasonal variations (please read guidance note 5)

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)

NEW YEARS EVE
09.00 - 01.30

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	<p>[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).</p> <p>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)</p>
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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)

b) The prevention of crime and disorder

CD 3	CD 26	CD 14
CD 5	CD 30	
CD 19	CD 31	
CD 24	CD 42	

c) Public safety

d) The prevention of public nuisance

PPNS

e) The protection of children from harm

Signature	
Date	16-5-18
Capacity	

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.

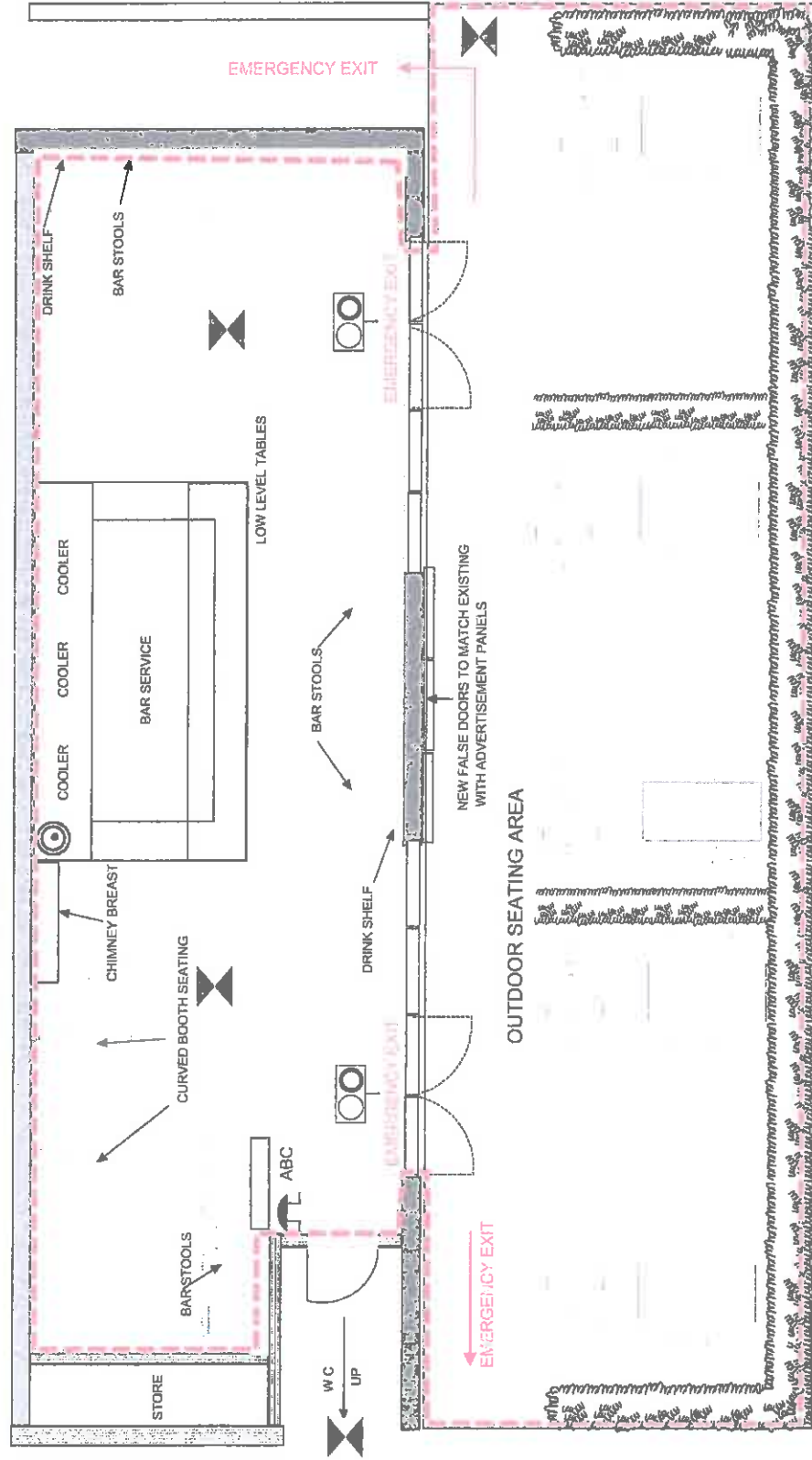
Signature	
Date	
Capacity	

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

- 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.
- 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

PROPOSED LAYOUT AND LICENSED AREA



2-4 THE MEWS
 POULTON-LE-FYLDE
 PROPOSED LAYOUTS AND ELEVATIONS
 DRAWN: ROB KNIGHTON
 DATE 22/03/2018

Wyre Council Licensing Service			
Notification of Mediation Agreement			
Premises Details			
Name of Premises:	Alley Bar		
Premises Address:	2 – 4 Breck Mews, Poulton-le-Fylde		
Post Code:	FY6 7AA		
Responsible Authority			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 4107 Emma Pritchard		
Signature			
Proposed changes to Application Operational Schedule			Mark one
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
Applicant's consent to amend Licence Application			
I the undersigned am the applicant and hereby authorize Blackpool Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.			
Applicant's Name (Please print clearly)		Mrs Sandra Jane James	
Applicant's Usual Signature			
Date of signing		23	8 2018
Amendments			
1	The following conditions to be added to the operating schedule:		
1	At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.		
2	Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.		
3	An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.		
4	Risk assessments carried out by or on behalf of the licence holder which relate to		

- a licensing objective will be available for inspection by an authorised officer.
- 5 The premises shall have a documented drugs prevention policy on which all members of staff shall be trained
- 6 Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30minutes.
- 7 Clearly visible notices shall be displayed advising those attending that:
a) It is a condition of entry that customers agree to be searched and
b) Police will be informed if anyone is found in possession of controlled substances or weapons.
- 8 Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
- 9 No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
- 10 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 11 All drinking vessels used at the premises will be made of toughened glass or polycarbonate.
- 12 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 13 No entertainment of an adult or sexual nature will take place on the premises.
- 14 A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
- A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
 - Photo driving licence.
 - Passport.
 - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
- If no suitable identification is provided the sale of alcohol to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
- 15 All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every three months. Records to evidence this will be made available to an authorised officer upon request.
- 16 Persons under the age of 18 shall only be admitted onto the premises in the

company of an adult. Except for pre-arranged private functions and ticketed events, children under 18 shall vacate the premises by 21:00. Unaccompanied children shall not be on the premises.

- 17 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
- 18 CCTV must be installed internally and externally at the premises and must comply with the following:
 - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
 - ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
 - iii. The system must record all hours the premises are open to the public.
 - iv. Recordings must display the correct date and time.
 - v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
 - vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.
 - vii. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
 - viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
- 19 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed after 22:00 hours except in the event of an emergency and save for the purposes of access and egress.
- 20 A minimum of one SIA licensed member of door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the licence holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises licence holder. The document must be available for inspection if required.
- 21 An incident book will be maintained in which shall be recorded:-
 - i. All incidents of crime and disorder
 - ii. Refused sales to suspected under-age and drunken persons
 - iii. A record of any person asked to leave the premises or removed from the premises
 - iv. Details of occasions on which the police are called to the premises
 - v. A record of persons searched on suspicion that drugs are being carried and the

reason for such suspicion

The book will be available for inspection by a police officer.

22. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00hrs
23. The outside area of the venue will be checked by a competent person at intervals of a minimum of 30 minutes.
24. All tables and chairs in the outside area shall either be fixed to the floor or be stacked, secured and covered no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
25. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.

2 The following conditions to be removed from the operating schedule:

Barrett, Niky

From: Clayton, Nick
Sent: 31 August 2018 14:48
To: Licensing & Health and Safety
Subject: FW: The Alley Licence conditions and licensing plan
Attachments: licensing plan.pdf; The Alley Licence conditions.docx

Good afternoon,

Thank you for consulting me on this Licencing application. Please see the conditions (see attached) agreed by myself and Sandra.

Kind regards

Nick Clayton

Nick Clayton
 Graduate Environmental Health Officer
 01253 887404
 Room 129

-----Original Message-----

From: Sandra James
Sent: 31 August 2018 14:29
To: Clayton, Nick

Subject: RE: The Alley Licence conditions and licensing plan

Hi Nick

It was nice to meet up with you this morning

I have no objections to the finalised conditions for The Alley Bar

Thanks Again

Kind Regards

Sandra James

-----Original Message-----

From: Clayton, Nick
Sent: 31 August 2018 10:46
To: 'sandra'
Subject: The Alley Licence conditions and licensing plan

Dear Sandra

Following on from this morning, please find attached the finalised conditions for the Alley bar (also included is the approved licencing plan for the outside area). As discussed if I do not hear back from you, I will take it that you agree to the conditions and as such I will forward on my comments to licence on Monday 3rd September. If however you

don't agree please contact me before the end of work today either via email or by calling me on 01253 887404 to discuss any objections.

Kind Regards

Nick Clayton
Nick Clayton
Graduate Environmental Health Officer
Wyre Council

, Poulton-le-Fylde, Lancashire, FY6 7PU

Find us online at: wyre.gov.uk, facebook.com/wyrecouncil, @wyrecouncil The Wyre Council email disclaimer can be found at www.wyre.gov.uk/disclaimer.

Be prepared for winter - find advice and details of any disruption to services during the freezing weather at www.wyre.gov.uk/winter

Email secured by Check Point

1. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose
2. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises
3. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
4. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
5. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
6. Noise from regulated entertainment at the licensed premises shall not exceed the background noise level when measured as an LAeq,5min in any one third octave band at the boundary with any noise sensitive premises.
7. Live or recorded music which is directed through speakers will be subject to a noise-limiting device set to a level agreed in writing by Wyre Council's Environmental Health Officer and thereafter retained at that level.
8. The Licensee shall ensure that staff departing late at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents
9. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night
10. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
11. Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
12. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).
13. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
14. The outdoor area as shown in Green on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours. Thereafter it can only be used for the purposes of smoking.
15. Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.

From:
Sent: 01 September 2018 22:05
To: Licensing & Health and Safety
Subject: THE ALLEY BAR 2-4 THE MEWS POULTON / NEW PREMISES ALCOHOL LICENCE
Attachments: wbc objection.pdf

01/09/18

Dear Councillors

With reference to the above New Premises Licence application please find attached our letter detailing our concerns, objections & request to re-consider the application.

Yours sincerely

Mr & Mrs Brenda Horabin

Email secured by Check Point

Mr & Mrs Richard Horabin
Lockwood Avenue
Poulton le Fylde
Lancashire



01/09/18

Dear Councillors

THE ALLEY BAR 2-4 THE MEWS POULTON / NEW PREMISES
ALCOHOL LICENCE

With reference to the above New Premises Licence application by SANDRA JANE JAMES, my husband & I must lodge our full objection to the application for the premises to become yet another venue for late night drinking, music & live bands that will without doubt involve further noise & further nuisance to the town & its residents.

We live on Lockwood Avenue our home is the 4th property on the left side of the Avenue, the rear ground floor rooms, rear bedrooms & the garden of our property routinely resonate with the sounds of people partying, music & live bands from the Poulton bars & venues not to mention the inconsiderate nature & noise of the people leaving these venues, some of whom park down Lockwood Avenue & return to their vehicles in the early hours of the morning.

A further concern regarding the proposed venue is the tri folding doors that open onto the pavement area to the front of the premises, the design of these doors suggests that they will be opened fully allowing the noise from the customers & entertainment to travel freely to the surrounding residences & be of an even greater disturbance. Several years ago, after many disturbed weekends sleep we had no choice but to submit a noise complaints to Wyre Borough Council against the former owner of a bar on Breck Road who repeatedly opened his tri folding doors during trading hours despite his licence clearly stating this was not permitted!

As residents of Lockwood Avenue for 12 years we have seen many changes to the town & the entertainment establishments, some for the good & some in our opinion to the detriment of the town, its historic heritage & it's residents. The town already has extensive choice of venues for the locals & visitors to enjoy a night out, we do not believe the addition of a further venue located in a quiet alleyway which has access to the Aldi supermarket & a pathway to Tithebarn Street.

We have 5 grandchildren under the age of 7 years and we regularly enjoy any one or 2 of them staying over for a couple of nights, and it is very upsetting when one of them wakes very upset during the night due to the party noise coming from the town, surely the quality of life of a town's residents must be a priority ? Poulton is a beautiful town full of history, green spaces & parks, a wonderful community & place to shop & enjoy, if our Council insists on issuing more alcohol & entertainment licences surely the Council's vision statement cannot be achieved?

We request that Wyre's Vision Statement be considered when reviewing this application, especially the section & I quote:

"The Council aims to ensure ... Those venues granted licences under the licencing Act 2003 should operate responsibly & safely to enable our residents and visitors to be able to reside in an area that can support a diverse range of businesses but not to the detriment of resident's quality of life or health."

We look forward to any comments or communication on this matter.

Yours sincerely

Mrs Brenda Horabin

DRAFT ANNEX 2

- 1 At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
- 2 Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
- 3 An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- 4 Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.
- 5 The premises shall have a documented drugs prevention policy on which all members of staff shall be trained
- 6 Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30 minutes.
- 7 Clearly visible notices shall be displayed advising those attending that:
 - a) It is a condition of entry that customers agree to be searched and
 - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
- 8 Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
- 9 No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
- 10 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 11 All drinking vessels used at the premises will be made of toughened glass (where that is available) or polycarbonate material.
- 12 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 13 No entertainment of an adult or sexual nature will take place on the premises.
- 14 A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
 - Photo driving licence.
 - Passport.
 - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.

- 15 All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every three months. Records to evidence this will be made available to an authorised officer upon request.
- 16 Persons under the age of 18 shall only be admitted onto the premises in the company of an adult. Except for pre-arranged private functions and ticketed events, children under 18 shall vacate the premises by 21:00. Unaccompanied children shall not be on the premises.
- 17 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
- 18 CCTV must be installed internally and externally at the premises and must comply with the following:
 - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
 - ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
 - iii. The system must record all hours the premises are open to the public.
 - iv. Recordings must display the correct date and time.
 - v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
 - vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested
 - vii. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
 - viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
- 19 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed after 22:00 hours except in the event of an emergency and save for the purposes of access and egress.
- 20 All external doors and windows shall be kept closed when regulated entertainment is being provided, except in the event of an emergency.
- 21 A minimum of 1 SIA licensed member of door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the licence holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises licence holder. The document must be available for Inspection if required.
- 22 An incident book will be maintained in which shall be recorded:-
 - i. All incidents of crime and disorder
 - ii. Refused sales to suspected under-age and drunken persons
 - iii. A record of any person asked to leave the premises or removed from the premises
 - iv. Details of occasions on which the police are called to the premises
 - v. A record of persons searched on suspicion that drugs are being carried and the reason

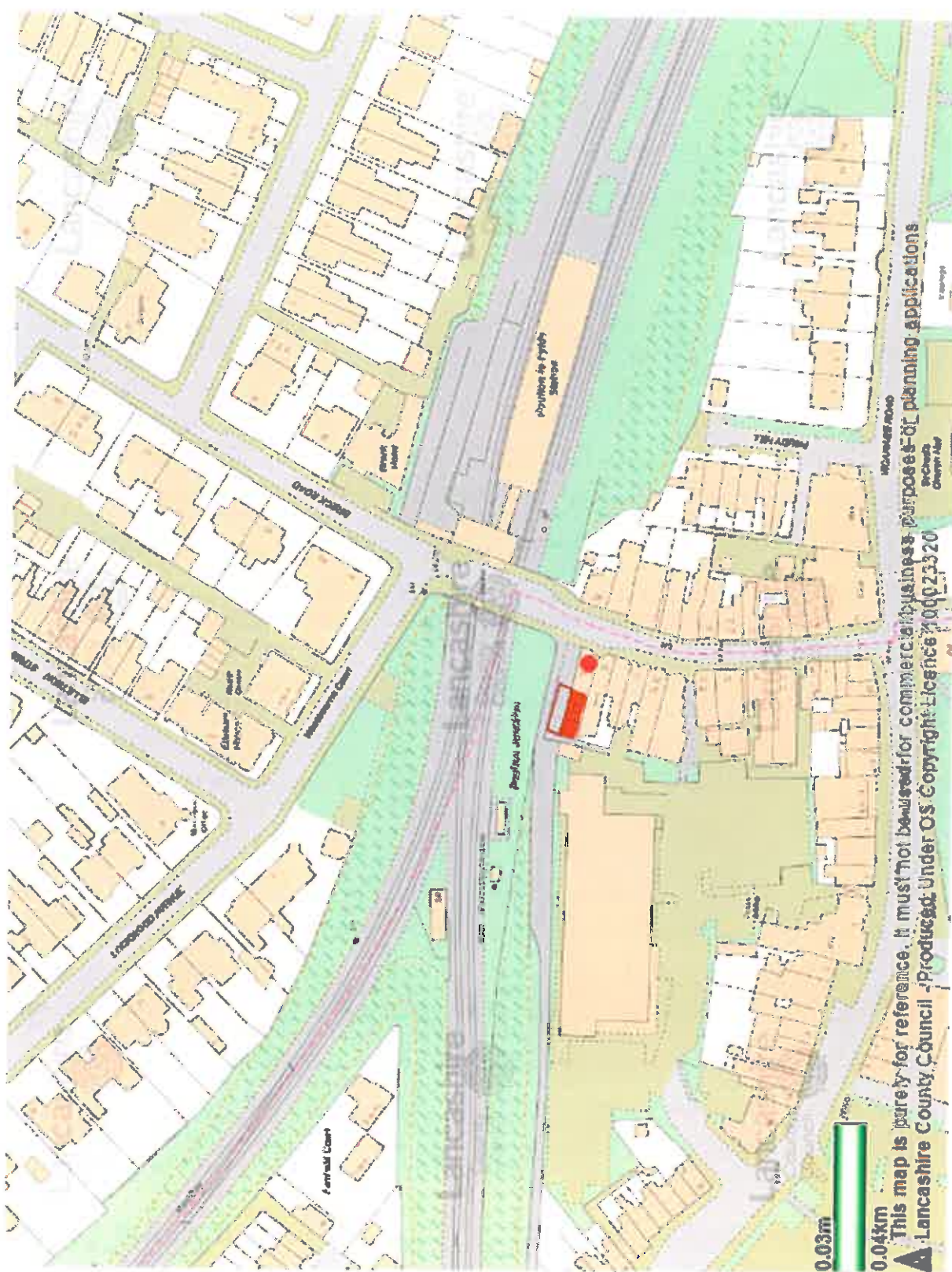
for such suspicion

The book will be available for inspection by a police officer.

- 23 The outdoor area as shown in green on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours. Thereafter it can only be used for the purpose of smoking.
- 24 The outside area of the venue will be checked by a competent person at intervals of a minimum of 30 minutes.
- 25 All tables and chairs in the outside area shall either be fixed to the floor or be stacked, secured and covered no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
- 26 In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
- 27 The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose
- 28 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 29 Noise from regulated entertainment at the licensed premises shall not exceed the background noise level when measured as an LAeq, 5min in any one third octave band at the boundary with any noise sensitive premises.
- 30 Live or recorded music which is directed through speakers will be subject to a noise-limiting device set to a level agreed in writing by Wyre Council's Environmental Health Officer and thereafter retained at that level.
- 31 No light from or on the licensed premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
- 32 The premises licence holder or his representative shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
- 33 The premises licence holder or his representative will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours each night.
- 34 Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
- 35 There shall be placed at all exits from the licensed premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the surrounding area quietly. (Note, this may also include a reference to vehicles).
- 36 The premises licence holder or his representative shall conduct regular assessments of the noise coming from the licensed premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results, including any remedial action.

- 37 There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance.
- 38 There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
- 38 Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.
- 39 The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of any Pubwatch scheme for the area within which the premises is located.





6.1 Planning

The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, ie have a lawful development certificate under planning legislation. Planning permission is usually required for the establishment of new premises or change of use of premises.

Applicants need to be aware that there are also circumstances when, as a condition of the planning permission an earlier closing time has been set for the use of premises for commercial purposes or a later opening time may apply. If the operating hours are different to the licensing hours, the applicant must observe the earlier closing time or later opening hour. A licence issued under the 2003 Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission are liable to prosecution under planning law.

It should also be noted that any decision made by the Licensing Authority does not relieve an applicant of the need to apply for building control authorisation.

The Council is of the view that the licensing authority is not bound by decisions made by the Planning Authority and vice versa. While the two authorities consider different (albeit related) matters, the Licensing Authority must ensure it addresses only the licensing objectives to ensure that any hearing does not in effect become a re-run of any planning hearing.

Key message 01

Licence applications should normally be from premises where

- The activity to be authorised by the licence is a lawful under the planning use of the premises
- The hours sought do not exceed those authorised by any planning permission; and
- Any existing hours are appropriate for the use of the premises

Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.

7. General approach to licensing

In undertaking its licensing functions under the Licensing Act 2003, Wyre Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the borough. The authority aims to support a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors with a knock-on effect for supporting businesses, often in the daytime economy.

The policy statement takes account of the need to regulate businesses that operate under the Licensing Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned. The licensing authority and its committees cannot, however, use the Licensing Act 2003 for any purpose not defined in the Act as a 'licensing objective'.

This policy is not capable of being a universal remedy for all the various forms of anti-social behaviour or other problems associated with licensable activities. Where it is evident that a licensed premises is responsible for an undesirable event (perhaps by employing unsuitable people or exercising poor standards of management), then the licensing authority will make use of its powers under the Licensing Act 2003, where they offer a remedy.

18. Need for licensed premises

The licensing authority will not use its powers to dictate whether there is a market need for additional licensed premises. Need is a decision for planners and the commercial sector to consider. A licensing authority should not seek to impose a ceiling on the number of licensed premises either overall or by class of premises, either by use of policy or practice.

19. Cumulative impact of a concentration of licensed premises

The authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night, with the potential to increase crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.

A licensing authority may adopt a Cumulative Impact Policy (CIP) for an area in which issues are being experienced by residents, visitors or agencies, due to the number of licensed premises in that area. Evidence should be obtained as to the nature and location of the issues occurring and a thorough consultation must take place, before the licensing authority can decide whether such a policy is appropriate. It will then form part of the authority's Statement of Licensing Policy.

The CIP creates a rebuttable presumption that new or varied applications for premises licences or club premises certificates that will add to the existing cumulative impact will normally be refused. However in order for this to be effective, a representation must be received first, otherwise an application will be granted, as applied for, under delegated powers.

The licensing authority recognises that such a policy cannot be absolute and if a policy were to be adopted it would still continue to consider each application properly on its own merit. For licences that were unlikely to add significantly to the problems of saturation, the application, however may still be approved, despite being in a CIP area.

Any discussion concerning the possible introduction of such a policy will also look at the alternatives to such a policy, to see if they might either achieve the same objective or be a complement to such a policy.

Where there is no cumulative impact policy, there is no presumption against the grant of new licences. Nevertheless, the presence of other licensed premises in the area of the premises for which an application has been made and the future operation of premises which are due to open in the surrounding area are matters which may be raised by those making representations and if those representations are pertinent to the licensing objectives, it will have a bearing on the decision making process.

In the absence of a Cumulative Impact Policy for Wyre the licensing authority may still consider representations where a body or person believes that an application (new or varied) will have a negative impact on one or more of the licensing objectives. If cumulative impact is being hi-lighted as the reason for an objection, the responsible authority or other person should state why the application will impact on the area of concern, what the implications will be and if possible produce examples or evidence.

It may be that the type of premises or offering will attract more people into an already busy and problematic area, therefore impacting on the licensing objectives that address disorder and/or nuisance. This can apply to those premises who sell alcohol on or off the premises equally to those that do not-(takeaways).

We encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives, in contrast to those that predominantly offer vertical drinking. Applications should demonstrate how the licensing objectives are to be promoted.

Two areas of concern have been hi-lighted by residents and councillors and although at this time there is insufficient data to support a Cumulative Impact Policy for these areas, detailed consideration should be given to the addition of licensed premises in these areas.

The first area- Poulton le Fylde Town, Centre has a large concentration of mainly on-licensed premises (pubs, restaurants, bars and a nightclub) and whilst these in isolation may not be problematic, large numbers of patrons visiting the area cause impact on resources (taxis, police, street cleaning, food outlets). Therefore if an applicant wishes to add to the number of patrons in the area or extend opening times provision should be considered and implemented as to how they can minimise the impact on the area from an additional venue.

Wyre key message 25

Operators who wish to submit a new premises application in Poulton le Fylde town centre should ensure that the application is robust in its promotion of the licensing objectives and contains a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in this area.

Extracts from the S.182 Guidance (April 2018)

9. Determining applications

General

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

Where 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, 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. 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 business person about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a business person 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.**

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.

9.37 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.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

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

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

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that 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.