

Barrett, Niky

From: Barrett, Niky
Sent: 14 October 2019 12:42
To:
Subject: Italian Pizza Hot

Dear Sir

I have been advised that the above premises, which you are the registered food business operator, has extended its trading hours until midnight Sun-Thurs and until 1am on Friday and Saturday nights.

Any business which wishes to provide hot food after 11pm, must have a licence granted by the Local Council under the Licensing Act 2003.

Until such time as you have applied for and been granted a premises licence to provide late night refreshment, you must ensure that the premises does not trade after 11pm, including delivering pre-ordered food.

If the premises is found to be still trading after 11pm without a licence, you risk being prosecuted and the maximum sentence for the offence is an unlimited fine and/or up to 6 months imprisonment.

Regards

Licensing

Mr N S Naaman
9 Crescent East
Thornton Cleveleys
Lancashire
FY5 3LJ

Ask for: Niky Barrett
Email: Nicola.Barrett@wyre.gov.uk
Tel No: 01253 887236
Our Ref: LNR

Date 22 October 2019

Dear Mr Naaman

Re: Section 136, Licensing Act 2003 - Unauthorised Licensable activity
Italian Pizza Hot

I am writing further to our discussion last week at the Council Offices when I explained that the above premises, which you confirmed was your business, may not lawfully trade after 11pm without authorisation under the Licensing Act 2003.

I have received further complaints this week that your premises is continuing to trade after 11pm and that the noise generated by your staff and customers is causing a nuisance.

You must not provide late night refreshment, including by way of a delivery service between 11pm and 5am without the correct authorisation.

Section 136 of the Licensing Act 2003 creates the offence of carrying on a licensable activity other than under, or in accordance with an authorisation. This offence carries a maximum sentence, on summary conviction, of £20,000 and/or 6 months imprisonment.

A copy of this final warning letter has been given to the Police and I would warn you that trading activity at your premises will be monitored by both Police and Licensing Authority Officers in the coming weeks.

If the premises is found to be operating without a licence again, despite this second warning, you are likely to be reported to the Magistrates for prosecution under section 136 of the Licensing Act 2003.

Yours faithfully

Niky Barrett
Senior Licensing Officer

Copy to: West Police Licensing Unit
Encl: New Premises application pack

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 **Mr Nzar Sultan Naaman**

(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			
Italian Pizza Hot 9 Crescent East.			
Post town	Blackpool, Thornton-Cleveleys	Postcode	FY5 3LJ
Telephone number at premises (if any)		01253 820202	
Non-domestic rateable value of premises		£ 12,000	

Part 2 - Applicant details

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

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

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>	
Surname Naaman			First names Nzar Sultan		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality: British					
Current residential address if different from premises address		9 Crescent East.			
Post town	Blackpool, Thornton-Cleveleys		Postcode	FY5 3LJ	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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			
0	1	1	2	2	0	1	9

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)

A ground floor hot food takeaway.

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

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

(please see sections 1 and 14 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) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	24:00			
Tue	23:00	24:00			
Wed	23:00	24:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	24:00			
Fri	23:00	01:00	<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	01:00			
Sun	23:00	24:00			

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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue					
Wed			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)		
Thur					
Fri					
Sat					
Sun					

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	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	23:00	24:00	
Tue	23:00	24:00	
Wed	23:00	24:00	
Thur	23:00	24:00	
Fri	23:00	01:00	
Sat	23:00	01:00	
Sun	23:00	24:00	

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)

Aiming for a friendlier and cleaner environment, staff are trained and aware of fire hazards, fire escapes and blankets.

Follow hygiene regulations and safety regulations.

To summon help from the Police as and when required.

b) The prevention of crime and disorder

The Premises will be equipped with CCTV system.

The system will capture a head and shoulders view of any person entering or leaving the premises.

The system shall display on any recording the correct time and date.

The system shall be recording at all times that the premises is open to the public.

The system shall be able to retain recordings for 28days.

Recordings from the system shall be made available to Police and other authorities on lawful request.

Signs shall be displayed on the inside and out of the premises at the main entry door advising that CCTV is in operation.

These signs should specify:

The person responsible for the system, the purpose of the system, and details of who to contact regarding the CCTV system.

c) Public safety

No overcrowding in the shop area, follow food regulations, ensure escape routes are clear at all times, and well lit and directed, fire extinguishers are installed and staff are trained as to their use.

No drinks to be sold in glass containers.

The licence holder will ensure that safety checks are carried out prior to admission to the public are logged and available on inspection.

d) The prevention of public nuisance

Discourage any unnecessary noise, limit waiting time, encourage customers not to gather at the front of the premises, and keep the Police informed of any trouble makers.

Clear legible notices will be displayed at the main door requesting customers to leave quietly.

There will be no personal solicitation of custom by staff within the immediate vicinity of the premises.

e) The protection of children from harm

Report to Police any children who are alone, and to ensure staff are aware of how to deal with children.

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 or my share code issued by the Home Office online right to work checking service (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.**

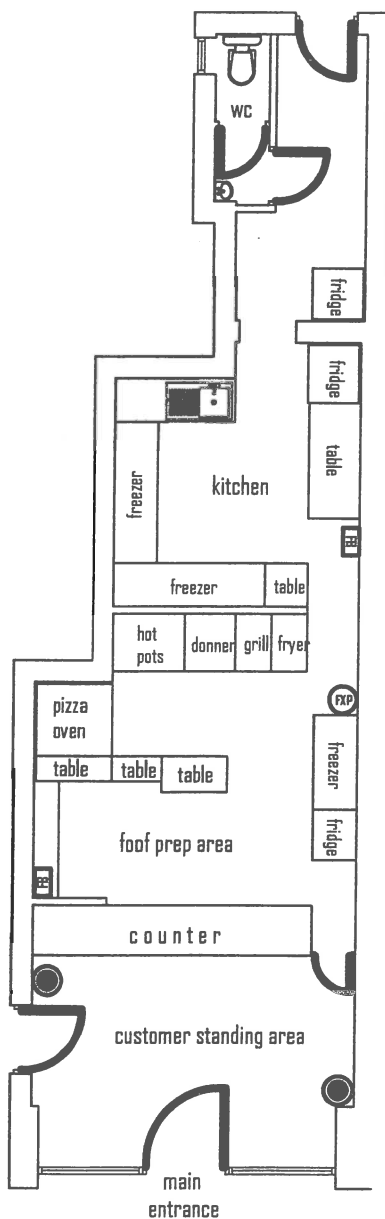
Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>Nzar Sultan Naaman</i>
Date	28/10/2019
Capacity	Owner.

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)			

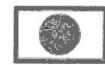
Italian Pizza Hot.



Legend



CCTV CAMERA LOCATION.



EMERGENCY LIGHTING.



EMERGENCY EXIT SIGNAGE.



FIRE BLANKET.



POWDER FIRE EXTINGUISHER.

Client:

MR NZAR SULTAN NAAMAN.

Project:

**PROPOSED FLOOR LAYOUT FOR A PREMISES
LICENCE TO BE GRANTED UNDER THE
LICENSING ACT 2003.**

Location:

**ITALIAN PIZZA HOT
9 CRESCENT EAST
BLACKPOOL, THORNTON-CLEVELEYS
FY5 3LJ.**

Date / Scale:

October 2019. Scale: 1:100

Copyright:

Khalid Khan & Associates

Surveyors & Architectural Consultants



MAJID HOUSE: 109 WHALLEY RANGE
BLACKBURN, LANCASHIRE, BB1 6EE

t: 01254 54464 m: 07798 686430

e: khalid@kassoc.co.uk

w: khalidkhanassociates.co.uk

From: K
Sent: 21 November 2019 16:12
To: Licensing
Subject: Application rejection

To whom it may concern

I write in regards to the rejection of a premises license for Italian Pizza Hot.

I have previously made several complaints in regards to this takeaway staying open to late without a license. Also about the level of noise coming from that premises late at night.

I hope that by me writing this rejection my concerns are met and that a license is not given to this takeaway.

If you would like further information regarding this email please do not hesitate to contact me on the above.

Kind Regards

Sent from my iPhone
Email secured by Check Point

REP 2 .

Mr Naar Sultan Naaman

I have been consulted on matters pertaining to the Prevention of Public Nuisance in respect of the application for a premises licence at the Italian Pizza Hot, 9 Crescent East, Thornton Cleveleys.

The premises licence is for late night refreshment for the following hours:-

23.00-24.00 Sunday to Thursday

23.00-01.00 Friday/ Saturday

I have an objection to the extended hours to 1.00am on Friday and Saturday due to the close proximity of the hot food take away to sensitive residential premises and the likelihood of causing noise disturbance.

I would have no objections to this licence application being 23.00-24.00 7 days a week on the condition that the applicant accepts the undernoted conditions for this event. If the applicant does not wish to accept any of the conditions, he must provide reason(s) for this in writing (an email would be acceptable). If no reply is received then it would be assumed all of the conditions have been accepted.

CONDITIONS

The noise level from the premises whilst being used for late night refreshment shall not exceed background level at the nearest residential premises.

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

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.

Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents,

There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

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

The premise license 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.

If you have any enquiries please contact me.

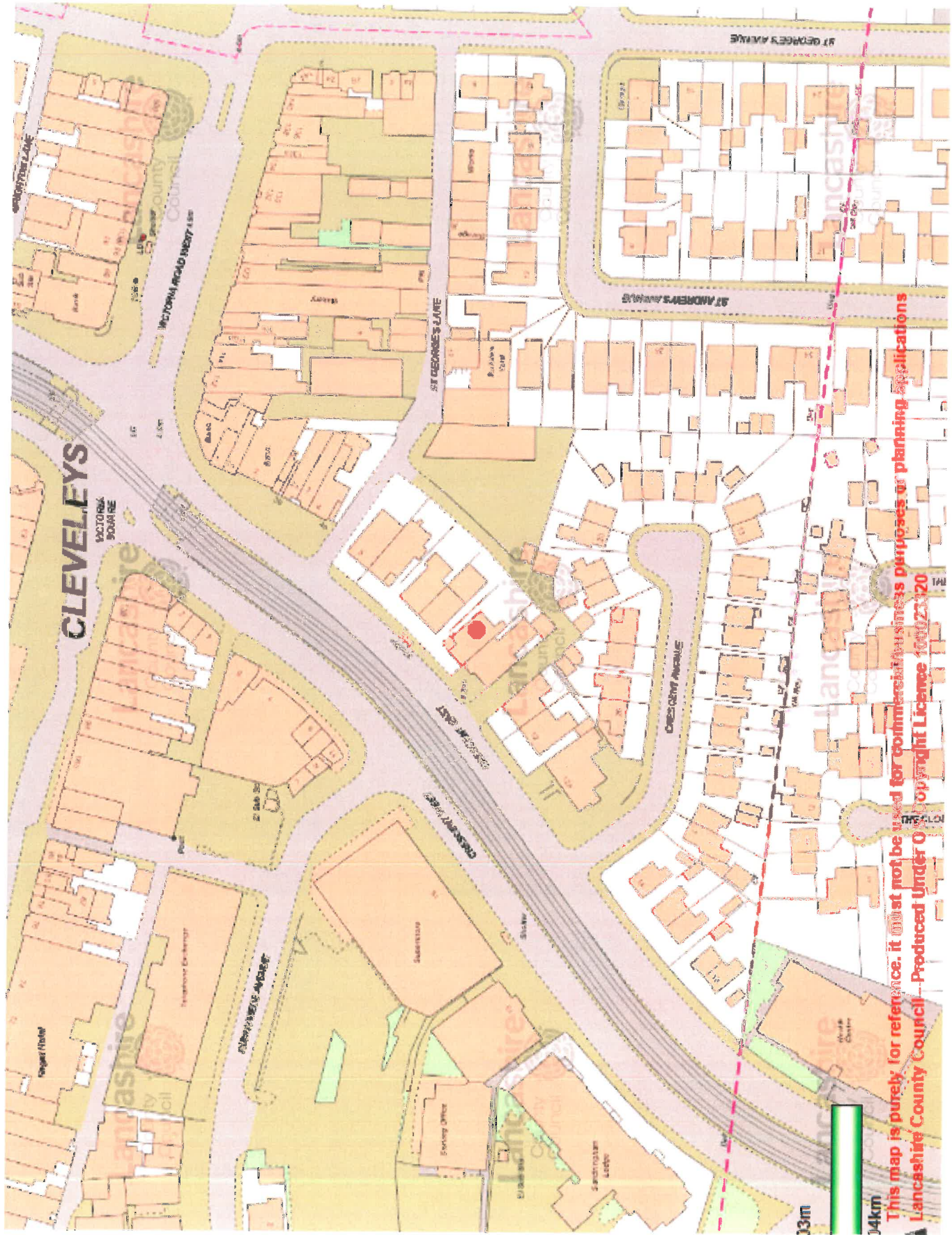
Jonathan Fail

Wyre Council Licensing Service			
Notification of Mediation Agreement			
Premises Details			
Name of Premises:	Italian Pizza Hot		
Premises Address:	9 Crescent East		
Post Code:	FY5 2LJ.		
Responsible Authority			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 3127 Ben Reynolds		
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 <u>print</u> clearly)		Mr Nzar Sultan Naaman	
Applicant's Usual Signature			
Date of signing		13.	11. 2019
Amendments			
1	<p>The following conditions to be added to the Operating Schedule:-</p> <ol style="list-style-type: none"> 1. CCTV, which complies with the following criteria, will be installed at the premises. <ol style="list-style-type: none"> a. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. b. The system shall display on any recording the correct time and date of the recording; c. The system shall be recording during all hours the premises are open to the public; d. VCR tapes or digital recording shall be held for a minimum of 28 		

	<p>days after the recording is made and will be made available to the Police for inspection upon request.</p> <p>e. The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.</p> <p>f. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.</p> <p>2. The licence holder shall 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 licence conditions.</p> <p>3. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.</p> <p>4. The premises have installed a wall-mounted screen, no smaller than 22", mounted in a prominent position within the premises, so that patrons can view live-recorded CCTV footage.</p> <p>5. There will be no boxing machines in operation in the premises.</p> <p>6. No persons under the age of 16 will be allowed on the premises after 23.00.</p> <p>7. The premises licence holder will risk assess the requirement for door supervisors at the premises and shall employ door supervisors in such numbers and at such times as is deemed necessary by the risk assessment.</p>
2	N/A

* To insert an additional row place the cursor in the last row and select 'Table' – 'Insert' – 'Rows below' from the top menu bar

Location Map - Italian Pizza Hot



This map is purely for reference. it must not be used for commercial purposes or planning applications
Lancashire County Council - Produced Under O Copyright Licence 100123120



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.

Hearings

- 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

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.