



Please reply to:

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Date: 21 March 2019

Notice of meeting

Licensing Sub-Committee

Date: Friday, 29 March 2019

Time: 10.00 am

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Licensing Sub-Committee

Councillors:

R.W. Sider BEM (Chairman)

S.A. Dunn

N.J. Gething

Note: In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

AGENDA

Page nos.

1. Disclosures of Interest

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

2. To consider an application for a Premises Licence at Stop and Shop, 53 Clare Road, Stawell, TW19 7QW, in the light of representations

3 - 80

The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

Licensing Act 2003

Hearing procedure for Licensing Sub-Committee – premises licence applications

| | |
|-----|--|
| | Introductions |
| 1. | The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed. |
| 2. | The Applicant or their representative will introduce themselves to the Sub-Committee. |
| 3. | Any Responsible Authorities and/or Other Persons will introduce themselves to the Sub-Committee. |
| | Summary of Application and Representations |
| 4. | The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda. |
| 5. | The Applicant or their representative may ask the Licensing Manager QUESTIONS arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later). |
| 6. | The Responsible Authorities may ask relevant questions of the Council's Licensing Manager. |
| 7. | Any Other Persons may ask relevant questions of the Council's Licensing Manager. |
| 8. | The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager. |
| 9. | The Council's Licensing Manager may respond to any new issues raised. |
| | The Applicant's Case |
| 10. | The Applicant or their representative will present their case.* |
| 11. | The Responsible Authorities may ask relevant questions of the Applicant or their representative. |
| 12. | Any Other Persons may ask relevant questions of the Applicant or their representative. |

| | |
|-----|---|
| 13. | The members of the Sub-Committee may ask relevant questions of the Applicant or their representative. |
| 14. | The Applicant may respond to any new issues raised. |
| | The Responsible Authorities case |
| 15. | The Responsible Authorities will present their case, in turn.* |
| 16. | The Applicant or their representative may ask relevant questions of the Responsible Authorities. |
| 17. | Any Other Persons may ask relevant questions of the Responsible Authorities. |
| 18. | The members of the Sub-Committee may ask relevant questions of the Responsible Authorities. |
| 19. | The Responsible Authorities may respond to any new issues raised. |
| | The Other Persons Case |
| 20. | Any Other Persons will present their case, in turn.* |
| 21. | The Applicant or their representative may ask relevant questions of the Other Persons. |
| 22. | The Responsible Authorities may ask relevant questions of the Other Persons. |
| 23. | The members of the Sub-Committee may ask relevant questions of the Other Persons. |
| 24. | The Other Persons may respond to any new issues raised. |
| | Summing Up |
| 25. | The Chairman will invite the Licensing Enforcement Officer to clarify any technical points. |
| 26. | The Chairman will invite the Other Persons to briefly summarise their case if they so wish. |
| 27. | The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish. |
| 28. | The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish. |
| 29. | The Chairman will then ask all parties if they are satisfied they have said all they wish to. |

| | Decision |
|------------|--|
| 30. | The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager. |
| 31. | Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision. |
| 32. | Meeting closed. |
| 33. | The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps. |

GUIDANCE NOTES

*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Applicant questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 10. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.

Licensing Sub-Committee

29/03/2019



| | | | |
|------------------|--|------|----------------|
| Subject | Application for a new Premises Licence at 53 Clare Road, Stanwell, Staines-Upon-Thames TW19 7QW | | |
| Purpose | For determination | | |
| Report of | Deputy Chief Executive | Ward | Stanwell North |
| Contact | Robert Thomas, Principal Licensing Officer (01784 446439) | | |

| | |
|---------------------------------|--|
| Description and Location | An off licence in a local shopping parade with residential properties above. Plan at Appendix A |
| The Application | <p>The application is to permit the sale of alcohol for consumption off the premises. The hours proposed for the sale of alcohol are the same as the proposed opening hours which is from 07.00 to 23.00 daily.</p> <p>A copy of the application form is attached at Appendix B1, together with a plan of the premises at Appendix B2.</p> |
| Representations | Relevant representation received from Spelthorne Borough Council's Licensing Authority. A copy is attached at Appendix C . Photos are attached in support of the representation at Appendix C1 . |
| Options | <ol style="list-style-type: none">1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives:<ul style="list-style-type: none">▪ To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or▪ To grant the application and modify the conditions of the licence, by alteration, addition or omission or▪ To reject the whole or part of the application. |

1. Background

- 1.1 A premises licence has been held at 53 Clare Road, Stanwell TW18 7QW since 27 January 2014. The licence holder was Blue Ocean (Int) Ltd. A search on the Companies House website states that Amit Arora was the only Director.
- 1.2 Lucy Catlyn, Licensing Enforcement Officer spoke to Mr Amit Arora on the telephone on 15 January 2019. Mr Arora advised that he had set up a new company and wanted that company to be the licence holder. In addition, Mr Arora told Mrs Catlyn that he now has a personal licence and that someone called 'Showaib' is not there. During the call Mrs Catlyn said to him that she was not sure who he means by 'Showaib' and the DPS is not 'Showaib', it is Muhammad and he said that is what he calls him. During the telephone conversation Mrs Catlyn looked up Blue Ocean (Int) Ltd on Companies House and found out the company was dissolved on 13 November 2018.
- 1.3 Mrs Catlyn explained to Mr Arora on 15 January 2019 that as the company 'Blue Ocean (Int) Ltd' was dissolved more than 28 days ago he was unable to transfer the licence. Mrs Catlyn explained via email and telephone that he needed to remove all of the alcohol from the premises and apply for a new premises licence. A copy of the email exchange is attached at **Appendix D**.

2. Application Summary

- 2.1 A new premises licence application was initially received on 16 January 2018 from Mr Arora however this was rejected due to numerous errors.
- 2.2 A further application was received on 18 January 2019 from an agent known as Personal Licence Courses, however this application was rejected due to administrative errors. A new premises licence application was received on 25 January 2019 specifying Amit Arora as the premises licence holder. Mr Arora has specified himself as the Designated Premises Supervisor (DPS).
- 2.3 It is a requirement that a notice is on display at the premises abutting the highway advertising the application. However, when a Licensing Enforcement Officer visited the premises on 24 January 2019 and 1 February 2019 no notice was on display. An email was sent to Personal Licence Courses on 1 February 2019 advising that we had concerns that Mr Arora has no regard for legislative requirements under the Licensing Act 2003. A copy of the email is attached at **Appendix E**.
- 2.4 A Licensing Enforcement Officer further visited the premises on 5 and 7 February 2019 and the required notice requirements were not fulfilled. Therefore the application was invalid and the last date for representations was accordingly put back until 6 March 2019.
- 2.5 A Licensing Officer visited the premises on 13 and 14 February 2019 and the required notice was on display at the premises. The application was advertised in the Chronicle and Informer dated 15 February 2019.
- 2.6 The application seeks to permit the sale of alcohol for consumption off the premises. The hours proposed for the sale of alcohol are the same as the proposed opening hours which is from 07.00 to 23.00 daily.
- 2.7 Spelthorne Borough Council's Licensing Department submitted a representation on 6 March 2019. There is a concern that, should the licence

be granted, Mr Arora as both the Premises Licence holder and DPS will be unable to operate the premises in a manner which does not undermine the licensing objectives.

3. Promotion of the Licensing Objectives

3.1 The licensing objectives together with examples from Government Guidance are set out below for information:

Prevention of crime and disorder

- Criminal behaviour on, or directly attributable to, the premises.
- Underage sales
- Anti-social behaviour on, or directly attributable to, the premises.

Public safety

- For example overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

Prevention of public nuisance

- Noise nuisance, light pollution or noxious smells
- Litter

Protection of children from harm

- In relation to sale of alcohol for consumption off the premises, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s.

3.2 The applicant has agreed conditions with the Licensing Authority which are attached at **Appendix F**. (These will replace section B of **Appendix B** of the application form). Should the licence be granted, these will be translated, where appropriate for the promotion of the licensing objectives, into enforceable conditions which will be attached to the licence.

4. Representations

4.1 i) Representations from Responsible Authorities

A relevant representation has been received from Spelthorne Borough Council's Licensing Department attached at **Appendix C**.

4.2 The grounds for objection are summarised below in relation to each licensing objective.

General – all four licensing objectives

- Prior compliance history of failure to adhere to licence conditions

Prevention of crime and disorder

- Allegations of underage sales
- Allegations of sale of psychoactive substances

Protection of children from harm

- Allegations of underage sales
- Allegations of sale of psychoactive substances

4.3 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell alcohol
- Parking, or other issues relating to general amenity rather than licensing objectives

5. Licensing Policy

5.1 The following sections of the Council's Licensing Policy are relevant.

- 9.0 Administration & Decision making
- 24.0 Crime & Disorder
- 24.8 Protection of Children from Harm

6. National Guidance

6.1 The relevant section from the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 is attached at **Appendix G**.

7. Making a decision

7.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.

7.2 The Sub-Committee must give reasons for its decision.

7.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

7.4 Conditions on licences must:

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

7.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

7.6 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

Appendices:

Appendix A – Location Plan

Appendix B1 – Application

Appendix B2 – Premises Plan

Appendix C – Representations from responsible authority

Appendix C1 – Photographs in support of representation

Appendix D – Emails with Applicant

Appendix E – Emails with Agent

Appendix F – Proposed Conditions

Appendix G – National Guidance

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Map data ©2019 Google 20 m 



Spelthorne
Application for a premises licence
Licensing Act 2003

For help contact
licensing@spelthorne.gov.uk
 Telephone: 01784 444202

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

AMIT

* Family name

ARORA

You must enter a valid e-mail address

* E-mail

NONE

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

| | |
|-------------------------------|---|
| * Building number or name | <input type="text" value="145"/> |
| * Street | <input type="text" value="GROSVENOR AVENUE"/> |
| District | <input type="text"/> |
| * City or town | <input type="text" value="HAYES"/> |
| County or administrative area | <input type="text"/> |
| * Postcode | <input type="text" value="UB4 8NR"/> |
| * Country | <input type="text" value="United Kingdom"/> |

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

| | |
|-------------------------------|--|
| Building number or name | <input type="text" value="STOP & SHOP"/> |
| Street | <input type="text" value="53 CLARE ROAD"/> |
| District | <input type="text"/> |
| City or town | <input type="text" value="STANWELL"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text" value="TW19 7QW"/> |
| Country | <input type="text" value="United Kingdom"/> |

Further Details

| | |
|---|------------------------------------|
| Telephone number | <input type="text"/> |
| Non-domestic rateable value of premises (£) | <input type="text" value="7,300"/> |

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

| | |
|-------------------------------|---|
| Building number or name | <input type="text" value="145"/> |
| Street | <input type="text" value="GROSVENOR AVENUE"/> |
| District | <input type="text"/> |
| City or town | <input type="text" value="HAYES"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text" value="UB4 8NR"/> |
| Country | <input type="text" value="United Kingdom"/> |

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

You must enter a valid email address

| | |
|------------------------|---|
| E-mail | <input type="text" value="NONE"/> |
| Telephone number | <input type="text" value="REDACTED"/> |
| Other telephone number | <input type="text"/> |
| * Date of birth | <input type="text" value="REDACTED"/> / <input type="text" value="REDACTED"/> / <input type="text" value="REDACTED"/> dd mm yyyy |
| * Nationality | <input type="text" value="REDACTED"/> |

[Documents that demonstrate entitlement to work in the UK](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

Continued from previous page...

OFF LICENCE AND CONVENIENCE STORE

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes

No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes

No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes

No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes

No

Continued from previous page...

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes

No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

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

Name

First name

Family name

Date of birth / /

Continued from previous page...

Enter the contact's address

| | |
|--|------------------------------|
| Building number or name | 145 |
| Street | GROSVENOR ROAD |
| District | |
| City or town | HAYES |
| County or administrative area | |
| Postcode | UB4 8NR |
| Country | United Kingdom |
| Personal Licence number (if known) | LBHIL3715 |
| Issuing licensing authority (if known) | LONDON BOROUGH OF HILLINGDON |

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 28 days
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only an invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash & carry or wholesalers.
6. No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises
7. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

d) The prevention of public nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighborhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council of the police which will record the following;
 - a) All crimes reported at the venue
 - b) Any complaints received, any faults in the CCTV system

Continued from previous page...

c) Any refusal of the sale of alcohol, any visit by a relevant authority

d) CAD reference number where police are called

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

| | |
|---------------------------|----------|
| Band A - No RV to £4300 | £100.00 |
| Band B - £4301 to £33000 | £190.00 |
| Band C - £33001 to £8700 | £315.00 |
| Band D - £87001 to £12500 | £450.00* |
| Band E - £125001 and over | £635.00* |

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

| | |
|---------------------------|-----------|
| Band D - £87001 to £12500 | £900.00 |
| Band E - £125001 and over | £1,905.00 |

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

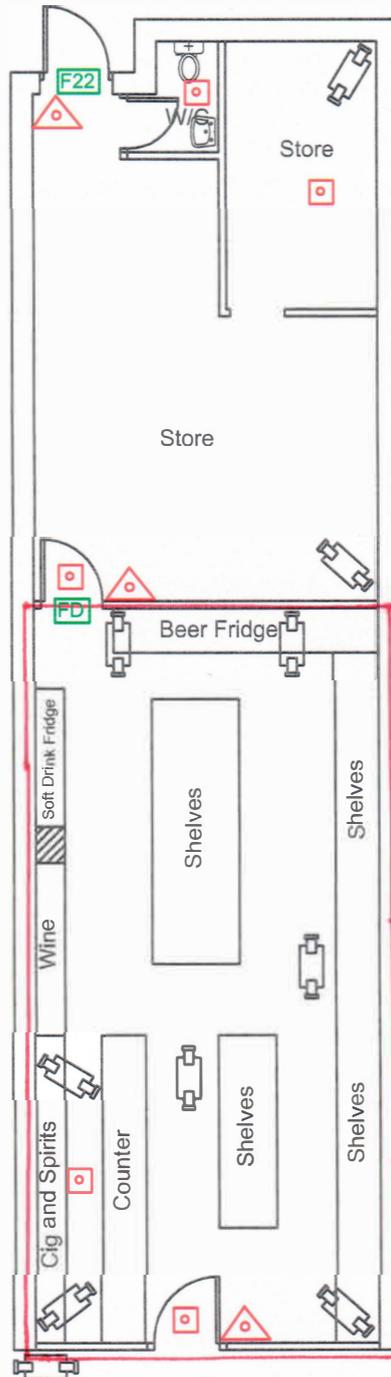
| | |
|-----------------------|------------|
| Capacity 5000-9999 | £1,000.00 |
| Capacity 10000 -14999 | £2,000.00 |
| Capacity 15000-19999 | £4,000.00 |
| Capacity 20000-29999 | £8,000.00 |
| Capacity 30000-39000 | £16,000.00 |
| Capacity 40000-49999 | £24,000.00 |
| Capacity 50000-59999 | £32,000.00 |
| Capacity 60000-69999 | £40,000.00 |
| Capacity 70000-79999 | £48,000.00 |

OFFICE USE ONLY

| | |
|----------------------------|--------------------------|
| Applicant reference number | <input type="text"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

PROPOSED LICENSING PLAN



→ LICENSABLE ACTIVITY AREA

Property Address:
53 Clare Road
Stanwell
TW19 7QW

| | | | |
|---|--------------------|---------------------|--|
| Drawing no: P/HBS/164 | | Date: 18th Jan 2019 | |
| Key | Scale:1:100 | Paper: A4 | |
| | FIRE EXTINGUISHER | | |
| | FIRE EXIT SIGNS | | |
| | EMERGENCY LIGHTING | | |
| | Fire Check Door | | |
| | CCTV CAMERAS | | |
| CCTV RECORDING 31 DAYS | | | |
| SHUTTERS PROVIDED | | | |
| ALARM SYSTEM TO AOISPEC OR SIMILAR FITTED | | | |

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Representation of Paul Morey Licensing Enforcement Officer
Regarding Mr Amit Arora's Premises Licence application at 53 Clare Road, Stanwell,
Middlesex TW19 7QW.

MR AMIT ARORA has applied for a new Premises Licence for a shop to trade as 'Stop & Shop' at 53 Clare Road, Stanwell, Middlesex TW19 7QW. This application is a result of his failure to comply with the requirements of the Licensing Act 2003 in transferring the licence held by Blue Ocean (Int) Ltd (**13/00903/LAPRE**), of which he was the sole registered director, which also traded as 'Stop & Shop', at the above address into the new name.

On 13 November 2018 Blue Ocean (Int) Ltd was dissolved at Companies House under a voluntary arrangement by MR AMIT ARORA. Under section 27 (1) (d) of the Licensing Act 2003 the premises licence (13/00903/LAPRE (Blue Ocean (Int) Ltd.)) under the name 'Stop & Shop' then lapsed. It is noted that on 31 August 2018 Company House had temporarily suspended the voluntary strike off action, further information on this action has been requested.

Under section 50 (1) (a) of the Licensing Act 2003 an application to transfer the licence must be made no later than 28 days after the day (which was 13 November 2018) that the licence lapsed. MR AMIT ARORA, nor an agent acting on his behalf had submitted to Spelthorne Borough Council, an application for the licence to be transferred before 11 December 2018 (28th day). At this point MR AMIT ARORA & MRS MADHU ARORA who ran 'Stop & Shop' together with assistance from MR FRANCIS TEIXERIA, were committing offences contrary to section 136 (1) (a) and 137 (1) of the Licensing Act 2003 . In effect this was the case during the period from 13 November 2018 to 8 February 2019.

MR AMIT ARORA contacted LUCY CATLYN, Licensing Enforcement Officer by telephone and by email on 15 January 2019 to enquire about transferring the licence for 'Stop & Shop'. MR AMIT ARORA was instructed by email that his licence to sell alcohol had lapsed. During the tenure of this licence, Mr ARORA had failed to comply with the requirements of the Licensing Act 2003 on several occasions by: -

Year: 2014

- Failing to display summary of licence
- Failing to display challenge 25 posters
- Allegations of underage sales
- Allegations of sale of psychoactive substances (NO2 NPS)
- Failing to provide a register of authorised persons (sale of alcohol)

Year: 2015

- Allegations of sale of psychoactive substances (NO2, NPS)

Year 2016:

- Allegations of sale of psychoactive substances (NO2, NPS)

Year 2017

- Failing to display Summary of Licence
- Failing to provide staff training log
- CCTV not maintained in good order
- No challenge 25 Posters displayed
- Displaying 'Cool Shot' mixed vodka shots beside till point adjacent to children's sweet counter.
- Staff unaware of who was the Designated Premises Supervisor

Year 2018

- Failing to have a Designated Premises Supervisor in control
- Staff unaware of who was the Designated Premises Supervisor
- Failing to display required 'CCTV in operation' sign
- Behaviour that failed to promote licensing objectives by leaving back door to shop open (crime and disorder)

Year 2019

- Allegations of sale of psychoactive substances (NO2, NPS)
- Allegations of underage sales

Due to these previous failures, on 15 January 2019 Mr ARORA was instructed to remove all alcohol from display before opening for business.

At 09.32hrs on Wednesday 16 January 2019 in company with LUCY CATLYN Licensing Enforcement Officer I visited 'Stop & Shop' at 53 Clare Road Stanwell Middlesex, TW19 7QW. The shop was closed and its security shutter down. At approximately 14:50hrs I carried out a second visit to 'Stop & Shop' at 53 Clare Road. The shop was open for business and alcohol was still on display for sale. MRS MADHU ARORA was in charge of the shop, I identified myself and asked her to contact MR AMIT ARORA. At 14.55hrs Mr AMIT ARORA arrived and was cautioned under the Police and Criminal Evidence Act 1984 for offences under section 136 (1) (a) and 137 (1) of the Licensing Act 2003 and informed that he may be prosecuted. Mr ARORA stated that he had been trying to clear the shelves, from his statement it was clear that up until this point he and his staff had continued to sell alcohol (photographs attached). I then provided advice regarding not displaying alcohol whilst not licenced.

At 11.53hrs on 31 January 2019 I carried out a visit to 'Stop & Shop'. I was aware that a Temporary Event Notice had been inforce up until 30 January 2019 (19/00039/LATEMP) but that the Licensing Act 2003 requires there to be 24 hours between TENs. This left the premises temporarily unable to carry out licensable activities. On entering the shop I noted that alcohol was still on show. I spoke to a MR F TEXIEIRA, who was in charge of the shop at that time and asked him to call MR AMIT ARORA. At 12.00hrs Mr AMIT ARORA arrived and was cautioned under the Police and Criminal Evidence Act 1984 for offences under section 136 (1) (a) and 137 (1) of the Licensing Act 2003 and informed that he may be prosecuted. I then provided advice regarding not displaying alcohol whilst not licenced.

On the 18 January 2019 I was informed by Lucy Catlyn Licensing Enforcement Officer that MR AMIT ARORA had made an application under his own name for a premises licence at 53 Clare Road Stanwell Middlesex TW19 7QW, for 'Stop & Shop', which she rejected. He then made another application on 24 January 2019, as the investigating officer I was requested to carry out a notice check at the above location. On the first visit no notice was displayed at the premises. As MR ARORA had not complied with the requirements of Section 25 Licensing Act 2003 Regulations 2005, I then carried out a series of visits to the premises to note when

the Blue Notice was erected. I have noted below the dates of the visits and whether a notice of application was displayed outside the shop. On each visit I carried out a patrol of the immediate area to see whether the notice had been removed by a passer-by and thrown to the ground. At no time during a visits did I find a discarded notice from 'Stop & shop' on the ground or in a bin.

| DATE | Notice Yes -No |
|------------|---|
| 24.01.2019 | No (not able to see signs on door behind shutter) |
| 01.02.2019 | No (not able to see signs on door behind shutter) |
| 05.02.2019 | No (not able to see signs on door behind shutter) |
| 07.02.2019 | Yes – compliant, shutter was open |
| 13.02.2019 | Notice seen on front door, unable to verify notice displayed on shutter |
| 14.02.2019 | Yes - compliant (notice on shutter) |

Conclusion of Representation

It is an important point to remember that ignorance of the law is not an excuse for failing to comply with the requirement of legislation.

MR AMIT ARORA, as the Director of Blue Ocean (Int) Ltd, who had been trading an off licence and store for 5 years, totally failed in his responsibilities as a licensee under the Licensing Act 2003. His failure to make proper arrangement has led to himself, his wife and employee, committing a series of offences contrary to the requirements of the licensing Act 2003.

Given his inability to serve the application correctly, & his evidenced ongoing inability to comply with (or prioritise the need to comply with) some fairly straightforward licence conditions during the tenure of the previous licence he held at this address; Spelthorne's Licensing department is concerned that Mr ARORA will be unable to operate the premises in a manner which does not undermine the licensing objectives - particularly with regards to the prevention of

crime and disorder, and also with reference to the protection of children from harm. There have been consistent allegations about the sale of alcohol to underage persons and the sale of psychoactive substances (NO2, NPS) over several years; as well as multiple occasions whereby staff working in the shop appeared to be unaware of who the DPS was. Contacting Mr ARORA in response to these types of issues in the past has proven difficult, and his response to these efforts somewhat underwhelming. Although there is no legal definition which clarifies what constitutes a 'fit and proper' person under the Licensing Act 2003, Spelthorne's Licensing department unfortunately does not consider Mr ARORA a suitable candidate and objects to the application on this basis.

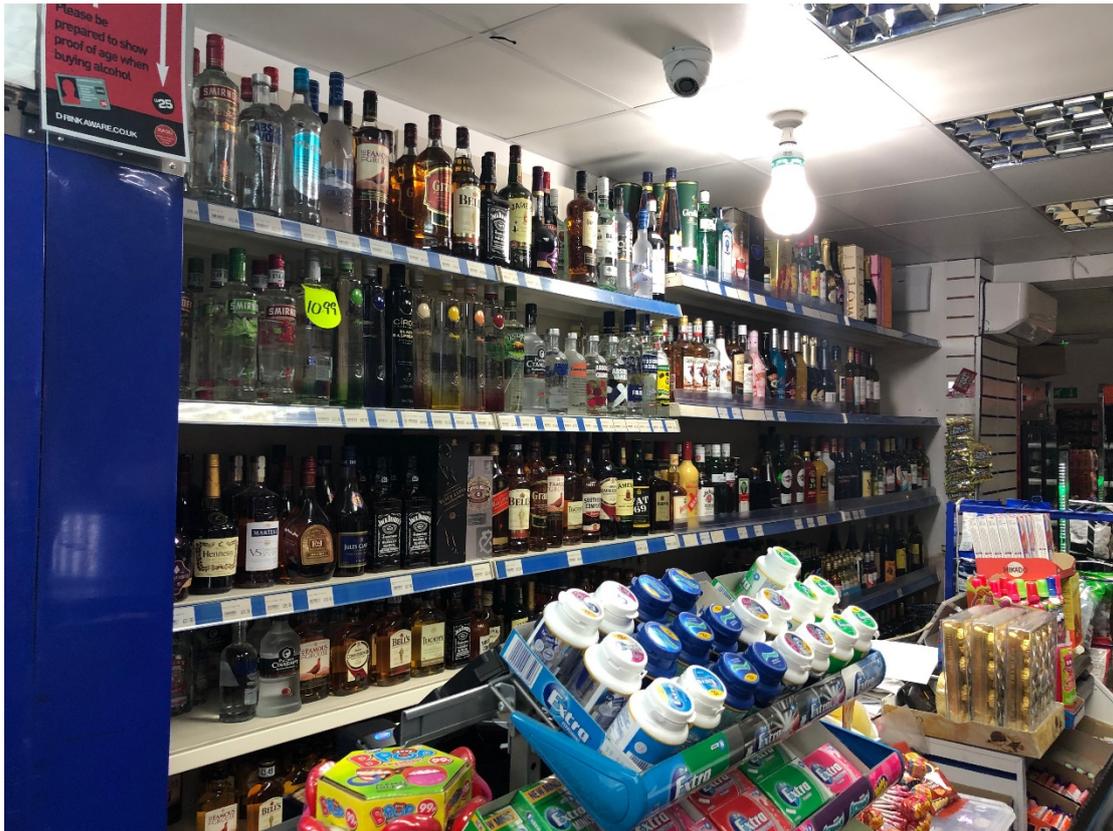
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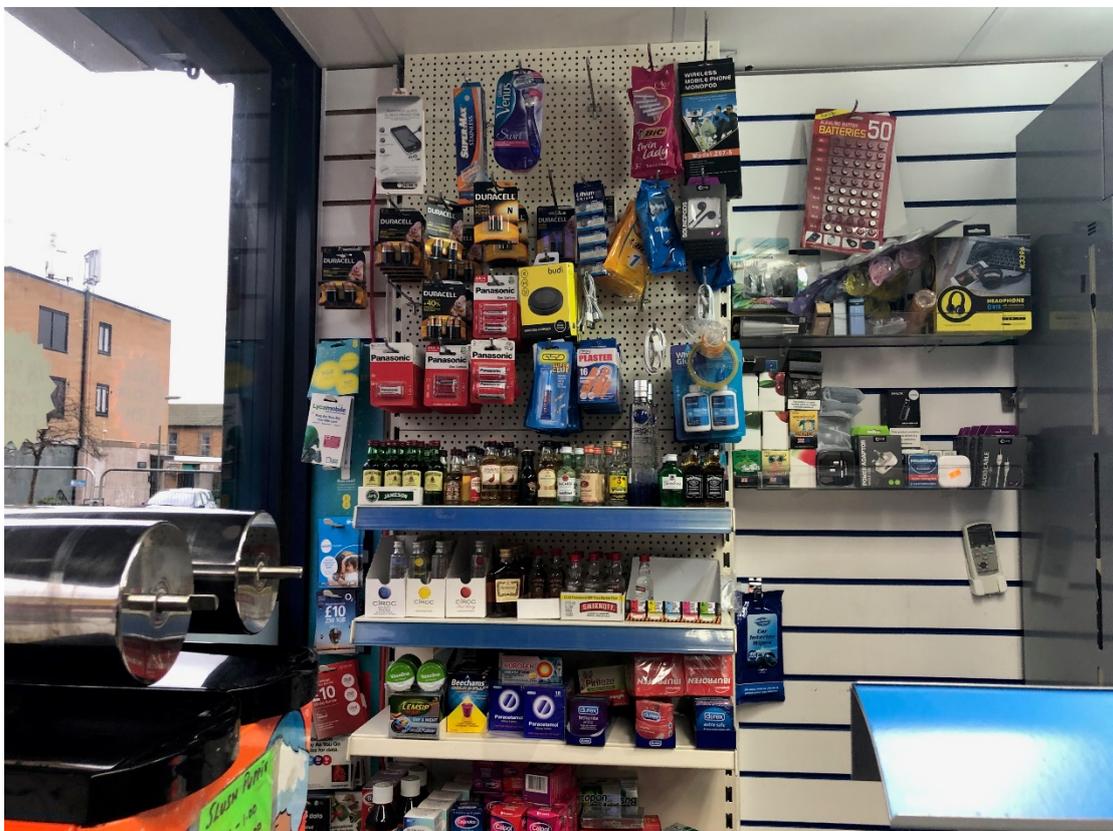
Photograph of Stop & Shop 16 January 2019 at 09:30 hrs



16 January 2019 at 14:54 hrs – Rear of shop fridge



16 January 2019 14:54 hrs – Shelves behind counter



16 January 2019 14:55 hrs – Small display adjacent to main door

EMAILS TO APPLICANT

From: Catlyn, Lucy
Sent: 17 January 2019 10:22
To: [REDACTED]

Subject: RE: Blue Ocean 53 Clare Road Stanwell

Dear Mr Arora

I have just received a telephone call from [REDACTED] – he has told me that he is a friend of yours and has asked if I can help him so he can help you.

Please do not ask people to ring up on your behalf in respect of this matter. You have been advised numerous times now that you need to appoint a licensing Solicitor if you do not understand.

I have attached some guidance and some solicitors you could contact (but you should do your own research as to who you instruct). Should you appoint a solicitor who has no licensing experience we will not enter into back and forth communication as to why application forms are wrong, so **you should ensure you appoint a licensing solicitor with experience.**

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

For information on how Spelthorne Borough Council handles your data, please read our privacy notices ([Licensing](#) / [Taxi Licensing](#)).

From: Catlyn, Lucy
Sent: 16 January 2019 14:55
To: [REDACTED]

Subject: RE: Blue Ocean 53 Clare Road Stanwell

Dear Mr Arora

I write further to your submission of the TEN and Premises Licence applications. I note you have not paid for the new premises licence application.

Unfortunately there are numerous errors in both of the applications you have submitted and as such they are both **rejected**. **I am unable to advise further.**

As I advised on the telephone we are unable to help complete application forms and I must empathise to you again that you should consider appointing a Licensing Solicitor.

Please let me know if you want me to post these back to you. Otherwise they will be securely shredded.

I reiterate that you have no authorisation or licence to sell alcohol at 53 Clare Road Stanwell.

I have copied in Surrey Police so that they are aware of the situation

Kind regards
Lucy

**Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

For information on how Spelthorne Borough Council handles your data, please read our privacy notices ([Licensing](#) / [Taxi Licensing](#)).

From: Catlyn, Lucy

Sent: 15 January 2019 16:17

To: [REDACTED]

Subject: Blue Ocean 53 Clare Road Stanwell

Hi Mr Arora

Thank you for your time on the telephone.

As I explained as your company Blue Ocean (Int) Ltd dissolved more than 28 days ago (13 November 2018) unfortunately your premises licence has **lapsed and you are no longer able to sell alcohol.**

As advised you must **immediately** remove all alcohol from the shop where the public can enter. I appreciate that this will be a lot for you to do however I must stress that this must be done (you will have to close your shop if you do not have staff to remove this immediately and then reopen when the shelves are clear of alcohol). I must remind you that it is an offence to expose alcohol for sale without an authorisation under section 136 of the Licensing Act 2003. Obviously it is an offence to also sell.

In a further call just now you asked if you could cover a fridge up on the shop floor. I must reiterate to you that **all alcohol must be removed from the shop floor.**

I would recommend that you apply for a **new premises licence** as early as possible to minimise downtime. As I mentioned you will need to advertise your application in a local newspaper circulating where the shop is located and you will also need to advertise the application on the front of the premises by a notice.

<https://www.spelthorne.gov.uk/article/2483/Premises-Licences>

In the meantime, you could apply for a Temporary Event Notice (TEN) but providing this is granted you will not be able to sell alcohol until Wednesday next week – so any application should be from 23-29 January 2019. You cannot have another TEN until 31 January 2019 and in this time where you have the 24 break all of the alcohol must be removed from the shelves. <https://www.spelthorne.gov.uk/ten> (click on the top link saying ‘temporary event notice application form’)

I would strongly recommend you seek legal advice.

best wishes

Lucy

**Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB



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EMAILS TO AGENT

From: Catlyn, Lucy [REDACTED]
Sent: 05 February 2019 17:03
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Hi Mr Panchal

Providing the notice goes up tomorrow then the new last date for reps is 6 March 2019

Should the notice not be on display at anytime we visit then the clock will need to restart.

Please kindly 'cc' all into any email replies.

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

For information on how Spelthorne Borough Council handles your data, please read our privacy notices ([Licensing](#) / [Taxi Licensing](#)).

From: [REDACTED]
Sent: 05 February 2019 16:57
To: Catlyn, Lucy [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Lucy Catlyn

I don't understand which notice you want me to put up now as the old notice is already up and running and will have no bearing as the date is not correct. If you send me the new date I can prepare and put it up tomorrow.

I have spoken to Mr Arora

Kind regards

Mr S.Panchal

From: Catlyn, Lucy [REDACTED]
Sent: 05 February 2019 16:04
To: [REDACTED]

Cc: [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Hi Mr Panchal

Once you confirm with Mr Arora that the notices are up – I strongly suggest you speak to him then we can sort out a new LDR

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

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From: [REDACTED]
Sent: 05 February 2019 16:02
To: Catlyn, Lucy [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Lucy Catlyn

Looks like we are not getting anywhere. Let me know your new date for consultation period so I can prepare new notices. I will be requesting the client to put up notices on the side wall also as I do for other premises.

Kind Regards

Mr S.Panchal

From: Catlyn, Lucy [REDACTED]
Sent: 05 February 2019 15:15
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Hi Mr Panchal

When you inform me that the notice is up on the shutter we can restart the clock again. I am afraid we do not accept the reason you have offered that people have removed - Unfortunately we have visited twice and found it to be the case there is no notices on the

shutter. It is extremely unlikely for it to be removed twice and your client needs to take steps to ensure it is fixed more securely.

Please do not concern other premises in this email trail – you need to email licensing@spelthorne.gov.uk if you want to speak regarding other place

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

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From: [REDACTED]
Sent: 05 February 2019 14:51
To: Catlyn, Lucy [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Good Afternoon

I did try and call you but it was on voicemail.

Just to inform you that the notice is always put up on the shutter during the closing time when the shutters are down as seen in the attached picture. The client has informed me that during the night he does not have the control and people tend to remove it. Lots of spare copies are handed to the client.

I have been instructed by [REDACTED] to look into their case. Can you please let me know what you require so I can prepare and submit.

Kind regards

Mr S.Panchal

From: Catlyn, Lucy [REDACTED]
Sent: 05 February 2019 13:06
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Good morning

I email following a voicemail from Mr Panchal this morning. I did try and call back but unfortunately there was no answer. There is no poster displayed on the shutters as required by the legislation.

Please see attached photo taken by a Licensing Enforcement Officer this morning

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

[REDACTED]

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From: Catlyn, Lucy
Sent: 05 February 2019 10:56

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: 53 Clare Road, Stanwell

Good Morning

I cannot understand why I am not getting any reply from you which is most concerning. I therefore have no choice but to copy the applicant in so he is aware of what is required.

We visited the premises this morning and note that the required blue notice is not on display.

At this time the application is **NOT VALID.**

I can only assume that you have decided not to proceed with this application

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

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From: Catlyn, Lucy
Sent: 01 February 2019 15:33
To: [REDACTED]
Subject: RE: 53 Clare Road, Stanwell
Importance: High

Good afternoon

You are aware from my below email I visited the premises on 30 January 2019 and you were emailed, although no reply has been received from you.

Mr Arora sent me a whatsapp photo on 30.01.2019 at 16.39 showing the blue notice on his front door – I am unable to zoom in on this photo to see the date, but it shows 2 blue notices (one on door and one high up on window – I did advise that the one high up on the window was too high (and this was the original LDR).

Mr Arora sent me a whatsapp photo on 30 January 2019 at 23.19 showing a blue notice on a shutter – unfortunately I cannot make out the LDR on it.

A visit was carried out to the premises this morning and I am extremely disappointed to have to say the Blue notice which is required under legislation is not up on the shutters.

Under the Licensing Act 2003 (Premises licenses and club premises certificates) regulations 2005 he is required to:

25. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26—

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is—

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same

requirements every fifty metres along the external perimeter of the premises abutting any highway;
and

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

It is most concerning that Mr Arora seems to have no regard for the legislative requirements under the Licensing Act 2003. Not to mention the fact his licence lapsed in the first place and he has been selling alcohol unlawfully since the licence lapsed in December 2018. All of these circumstances are being noted and will not go down well with licensing sub committees.

As such the notice period will restart from when we are advised new notices are up at the premises

I would appreciate your reply in writing to my email below regarding the conditions. We briefly spoke on the telephone on 30.01.2019 regarding this but I would like to know in **writing your comments.**

In addition to the above:

A visit was carried out to the premises yesterday by a Licensing Enforcement Officer and alcohol was being exposed for sale without a TEN or premises licence in place. As you will be aware, this is unlawful and shows total disregard for the legislation and what the Licensing Authority have advised. We are not satisfied that if a licence is granted he will uphold the Licensing Objectives and as such when this application is valid we will be submitting a formal representation and the licence will be determined by the Licensing Sub Committee.

Kind regards
Lucy

**Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

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From: Catlyn, Lucy
Sent: 30 January 2019 16:14
To: 'Personal Licence Courses' [REDACTED]
Cc: Licensing <licensing@spelthorne.gov.uk>
Subject: RE: 53 Clare Road, Stanwell

Good afternoon

As you are aware I visited the premises today and Mr Arora was at the shop. He advised me that his blue notice in the window was put up yesterday, but then later said it was put up on Saturday (after I advised it should have been put up on Saturday). In any event, he has no notice on the shutter.

As he is failed to adhere to the notice requirements the new last date for reps is 27 February. However should he fail to fulfil the requirements we will restart the clock.

Please let me know when the notice is on display.

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

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From: Catlyn, Lucy
Sent: 28 January 2019 16:29
To: 'Personal Licence Courses' [REDACTED]
Cc: Licensing <licensing@spelthorne.gov.uk>
Subject: RE: 53 Clare Road, Stanwell

Good afternoon

Thanks for your application

I can confirm the last date for reps is 22.02.2019.

I note that the conditions you have offered in the operating schedule are exactly the same as conditions you offered in another application I handled recently for a different premises – you are aware that Licensing were not satisfied with this and other conditions I put forward were instead agreed. Please can I have your comments as to why you have done this? Some of the conditions you have offered are not enforceable and are covered by legislation. I am sure you are aware of the Secretary of State Licensing Act 2003 guidance S.182 which states:

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions: • must be appropriate for the promotion of the licensing objectives; • must be precise and enforceable; • must be unambiguous and clear in what they intend to achieve; • should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; • must be tailored to the individual type, location and characteristics of the premises and events concerned; • should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case; • should not replicate offences set out in the 2003 Act or other legislation; • should be proportionate, justifiable and be capable of being met; • cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and • should be written in a prescriptive format.

I look forward to hearing from you and your subsequent newspaper advert

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

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From: Personal Licence Courses [REDACTED]
Sent: 25 January 2019 15:48
To: Catlyn, Lucy [REDACTED]
Subject: FW: 53 Clare Road, Stanwell

Dear Lucy,

Thank you for your patience with regards to this application, attached now is the following:

- Application
- Consent Form
- Plan
- NI Documents
- Confirmation of fee payment

Yours Sincerely,

Personal Licence Courses UK LTD

From: Personal Licence Courses [REDACTED]
Sent: 25 January 2019 14:46
To: [REDACTED]
Subject: FW: 53 Clare Road, Stanwell

Dear Lucy,

My sincere apologies, attached is the full application including the consent form, plan and NI document.

Yours Sincerely,

From: Personal Licence Courses [REDACTED]
Sent: 25 January 2019 14:15
To: 'Catlyn, Lucy' [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Dear Lucy,

Thank you for your patience in this matter, attached to this email is the full amended application for 53 Clare Road, Stanwell.

Many Thanks,

From: Catlyn, Lucy [REDACTED]
Sent: 22 January 2019 13:40
To: [REDACTED]
Subject: RE: 53 Clare Road, Stanwell

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

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From: Catlyn, Lucy
Sent: 21 January 2019 16:49

To: [REDACTED]
Cc: Licensing <licensing@spelthorne.gov.uk>
Subject: RE: 53 Clare Road, Stanwell

A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**

Hi Manpreet

As per the guidance notes, please can you send us the highlighted info above.

Please can you resubmit everything in one email for me as a complete application as it is confusing when things go back and forth and I would like to ensure this application is received correctly.

Many thanks
Lucy

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

[REDACTED]

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From: Morey, Paul **On Behalf Of** Licensing
Sent: 21 January 2019 14:02
To: Catlyn, Lucy [REDACTED]
Subject: FW: 53 Clare Road, Stanwell

For you 😊

From: Personal Licence Courses [REDACTED]
Sent: 21 January 2019 12:37
To: Licensing <licensing@spelthorne.gov.uk>
Subject: RE: 53 Clare Road, Stanwell

Dear Lucy

Apologies the application had details of a previous application at your borough, I have now changed that to Amit Arora. We advised the client to apply on his individual name it avoids any future issues regarding license being on a company's name. Coming to the right to work, that document is attached with dps consent form, it's the last page of the attached. Its his resident permit, he has indefinite leave to remain in the UK. I will attach the document again with this email.

Kind Regards

Manpreet Singh Kapoor BA(Hons)
Licensing Consultant

Personal Licence Courses uk ltd, 145 Station Road, West Drayton, UB7 7ND
[REDACTED]

 Please consider the environment before printing this email

From: Catlyn, Lucy [REDACTED] **On Behalf Of** Licensing
Sent: 18 January 2019 18:24
To: [REDACTED]
Cc: [REDACTED]
Subject: 53 Clare Road, Stanwell

Good afternoon

I have received your application for a new premises licence at 53 Clare Road however it is rejected:

- There is no proof of right to work attached. I was told by Mr Arora this licence was going to be a company name so I am surprised to see it is as an individual.
- The DPS consent form and application have 2 different people specified.

We look forward to hearing from you.

Kind regards

Lucy Catlyn
Licensing Enforcement Officer
Environmental Health and Licensing

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames
TW18 1XB

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PROPOSED CONDITIONS

- 1) A notice shall be prominently displayed at the exit requesting customers to respect the needs of local residents and leave the area quietly.
- 2) The premises will operate a challenge 25 age verification policy in relation to the sale of alcohol. Challenge 25 posters shall be clearly displayed at the entrance to the premises as well as at least one location behind the till.
- 3) All staff (paid or unpaid) shall be trained in respect of the law relating to the sale of alcohol, acceptable forms of ID, Challenge 25 and the procedure on handling and record refusals. Written records to be kept to document that all staff have had training. All staff to receive refresher training on all of these aspects every six months. These training records will be kept on site for a minimum period of 2 years. Training documentation to be made available to Responsible Authorities on request
- 4) A refusal log/book shall be kept at the premises detailing all refused sales of alcohol. The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by a Responsible Authority. The log is to be signed once a month by the DPS.
- 5) An incident register must be kept to record all incidents of disorder. The Designated Premises Supervisor must sign off each entry. The incident register must remain on the premises at all times and records kept for a minimum of one year and must detail the following;
 - Time and date
 - nature of incident
 - name of staff members involved
 - name of any offender (if known)
 - action taken as a result of the incident
 - CAD reference number where police called.
 - The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police.

The system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. A daily CCTV log is to be kept at the premises. All images should be stored for a minimum of 28 days. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises

The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police

A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.

- 6) All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.

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2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the

premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises 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 are retained at the licensed premises.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the

Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

| Section | Offence | Prosecuting Authority |
|--------------|---|---|
| Section 145 | Unaccompanied children prohibited from certain premises | Police and/or Licensing Authority |
| Section 146 | Sale of alcohol to children | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147 | Allowing the sale of alcohol to children | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147A | Persistently selling alcohol to children | Police and/or Local Weights and Measures Authority |
| Section 149 | Purchase of alcohol by or on behalf of children | Police and/or Licensing Authority |
| Section 150 | Consumption of alcohol by children | Police and/or Licensing Authority |
| Section 151 | Delivering alcohol to children | Police and/or Licensing Authority |
| Section 152 | Sending a child to obtain alcohol | Police and/or Licensing Authority |
| Section 153 | Prohibition of unsupervised sales by children | Police and/or Licensing Authority |

3. Licensable activities

Summary

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

Wholesale of alcohol

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

case, the exemption under the 2003 Act may apply to the sale made by the caterer.

- 3.7 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcoholwholesaler-registration-scheme-awrs>.

4. Personal licences

Relevant licensing authority

- 4.28 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts. For applications made on or after 6 April 2017, a licence granted to someone subject to immigration control will lapse if the individual ceases to be entitled to work in the UK. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect. Once granted, the licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

Specification of new designated premises supervisors

- 4.31 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. Guidance on such applications is set out in paragraphs 4.52 to 4.65 of this Guidance.
- 4.32 The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly. For this reason, the name of the DPS and contact details must be specified on the premises licence and this must be held at the premises and displayed in summary form. The DPS’ personal address should not be included in the summary form in order to protect their privacy.
- 4.33 To specify a DPS, the premises licence holder should normally submit an application to the licensing authority (which may include an application for immediate interim effect) with:
- a form of consent signed by the individual concerned to show that they consent to taking on this responsible role, and
 - the relevant part (Part A) of the licence.
- 4.34 If they are applying in writing, they must also notify the police of the application. If the application is made electronically via GOV.UK or the

- licensing authority's own electronic facility, the licensing authority must notify the police no later than the first working day after the application is given.
- 4.35 The premises licence holder must notify the existing DPS (if there is one) of the application on the same day as the application is given to the licensing authority. This requirement applies regardless of whether the application was given by means of an electronic facility, or by some other means.
- 4.36 The general guidance in Chapter 8 on electronic applications applies in respect of new applications.
- 4.37 Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with the 2003 Act and conditions on the premises licence.
- 4.38 Where there are frequent changes of DPS, the premises licence holder may submit the form in advance specifying the date when the new individual will be in post and the change will take effect.

Licensing authority powers to revoke or suspend personal licences

- 4.45 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

8. Applications for premises licences

Responsible authorities

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

- the relevant licensing authority and any other licensing authority in whose area part of
 - the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority’s Director of Public Health (DPH) in England¹ and Local Health Boards (in Wales);
- the local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

8.8 The licensing authority should indicate in its statement of licensing policy which body it recognises to be competent to advise it on the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or another competent body. This is important as applications for premises licences have to be copied to the responsible authorities in order for them to make any representations they think are relevant.

8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment

¹ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.

- 8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make “nil” returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.
- 8.11 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.
- 8.12 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government’s legislation website: www.legislation.gov.uk.

Steps to promote the licensing objectives

- 8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.
- 8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

- 8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local responsible authorities;
 - websites or publications by local voluntary schemes and initiatives; and
 - on-line mapping tools.
- 8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Advertising applications

- 8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government's legislation website.
- 8.80 Applicants are required to:
- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
 - display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.
 - ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.
- 8.81 It is the responsibility of the applicant for putting the notice up, however licensing authorities should consider where the signs should be placed and advise the applicant where appropriate, to ensure people will see them, in particular if an application is likely to be of interest to the public. As prescribed in regulations, licensing authorities must also place a notice on their website outlining key details of the application as set out in regulations, including:
- the name of the applicant or club;
 - the postal address of the premises or club premises;
 - the postal address and, where applicable, the internet address where the relevant licensing authority's register is kept and where and when the record of the application may be inspected;
 - the date by which representations from responsible authorities or other persons should be received and how these representations should be made; and

- that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.
- 8.82 The summary of the application should set out matters such as the proposed licensable activities and the proposed hours of opening and should be clearly displayed for the period during which representations may be made, together with information about where the details of the application may be viewed.
- 8.83 Licensing authorities in Wales should consider encouraging applicants to provide details in the alternative language (Welsh or English) to that of the main advertisement itself where the application may be viewed. Therefore, if an applicant publishes a notice in English they should be encouraged to provide a statement in Welsh as to where the application may be viewed, and vice versa. This would allow the reader of the notice to make enquiries to the licensing authority and find out the nature of the application.
- 8.84 Licensing authorities in Wales are also required to publish key information from licence applications in Welsh on their websites.
- 8.85 In the case of applications for premises licences involving internet or mail order sales, notices should be conspicuously displayed at the place where the alcohol is appropriated to the contract.
- 8.86 A vessel which is not permanently moored or berthed is treated as if it were a premises situated in a place where it is usually moored or berthed. The newspaper advertisement notice for such a vessel would need to be in relation to this place (where it is usually moored or berthed) and there is no provision requiring such advertising in other areas, for instance, if the vessel journeys through other licensing authority areas.
- 8.87 Arrangements should be put in place by the licensing authority for other parties to view a record of the application in the licensing register as described in Schedule 3 to the 2003 Act. Charges made for copies of the register should not exceed the cost of preparing such copies. Licensing authorities may wish to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed and include relevant and accurate information.

9. Determining applications

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area². The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may

² Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.

- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case.

Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.

- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.

- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 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.