

*Please reply to:*

Contact: Samuel Nicholls  
Service: Corporate Governance  
Direct line: 01784 444243  
E-mail: s.nicholls@spelthorne.gov.uk  
Date: 9 January 2015

## **Notice of Meeting**

### **Licensing Sub-Committee**

**Date:** Monday, 19 January 2015

**Time:** 10.00am

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

**To the members of the Licensing Sub-Committee**

**Councillors:** R.W. Sider BEM (Chairman), C.A. Bannister and S.A. Dunn

**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.



# AGENDA

## **1. Disclosures of Interest**

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

## **2. To consider an application for variation of a Premises Licence at The White Horse Public House, 69 Thames Street, Sunbury-on-Thames, TW16 6QU, in light of representations.**

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## Spelthorne Borough Council

### LICENSING ACT 2003

#### RULES AND PROCEDURE FOR LICENSING SUB-COMMITTEES HEARING A PREMISES APPLICATION

#### 1. General

- 1.1 These rules and procedure are subject to the provisions of the Licensing Act 2003 (the 'Act') and the Licensing Act 2003 (Hearings) Regulations 2005 (the 'regulations').

#### 2. Composition of Sub-Committee

- 2.1 The Sub-Committee will comprise three members. All three members must be present to enable the hearing to proceed and be valid. One member will act as Chairman.

#### 3. Notice of hearing

- 3.1 The licensing authority will send you a notice stating the date, time and place at which the hearing is to be held (the 'notice of hearing').
- 3.2 You will also be sent information regarding the following: -
- (a) your rights, as provided for in paragraphs 4.1 & 8.6 below;
  - (b) the relevant period of time within which you must give the notice described in paragraph 4.2 below (notice of your attendance and representation);
  - (c) the consequences if you do not attend or are not represented at the hearing, as described in paragraphs 11.1 to 11.3 below;
  - (d) the procedure to be followed at the hearing, paragraphs 8.1 to 8.16 below;
  - (e) any particular points on which the licensing authority considers that it will want clarification at the hearing.

#### 4. Right of attendance, assistance and representation

- 4.1 Subject to paragraphs 6.2 & 6.4 below, you may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- 4.2 On receipt of the notice of hearing and within the period of time specified, you must notify the licensing authority: -
- (a) whether you intend to attend or be represented at the hearing;
  - (b) If the answer to (a) above is "Yes" and you have made representation, then either you or your representative must provide an outline, in writing, of what you propose to say at the meeting. Please note the requirements relating to supporting documentation or the admission of fresh information as set out in paragraph 8.10 below;
  - (c) whether you consider a hearing to be unnecessary.

- 4.3 Where you wish any additional person (other than the person you intend to represent you at the hearing) to appear at the hearing, you must include a request for their attendance in the notification referred to in paragraph 4.2 above and give the name of that person and a brief description of the point(s) they wish to make to help the authority in relation to your application, representations or notice.
- 4.4 If you wish to withdraw any representations you have made, you may do so -
- by giving notice to the Licensing Manager no later than 24 hours before the day or first day on which the hearing is to be held; or
  - communicating this at or before the start of the hearing.

## **5. Right to dispense with hearing if everyone agrees**

- 5.1 The licensing authority may dispense with a hearing if everyone (the applicant, representees and any person giving notice) agrees that such a hearing is unnecessary and has given such notice to the authority.
- 5.2 Where it has been agreed that a hearing is unnecessary the Licensing Authority will immediately give notice to everyone that the hearing has been dispensed with.

## **6. Hearing to be in public**

- 6.1 Subject to the following paragraph, the hearing will take place in public.
- 6.2 The Sub-Committee may ask the public to leave the hearing at any time, for all or part of the hearing, where it considers that the public interest will be better served by continuing the hearing in private.
- 6.3 For the purposes of the above paragraph, you and any person assisting or representing you may be treated as a member of the public.
- 6.4 The Sub-Committee may require any person attending the hearing who is in their opinion behaving in a disruptive manner to leave the hearing and may: –
- (a) refuse to permit that person to return, or
  - (b) specify conditions under which they may return

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

## **7. Report**

- 7.1 A report will be put before the Sub-Committee, prepared by the Licensing Manager.
- 7.2 The Licensing Manager will send a copy of the report to everyone (the applicant, representees and any person giving notice) in advance of the hearing.

## 8. Procedure at hearing

- 8.1 A hearing will take the form of a discussion managed by the Sub-Committee through the Chairman and cross examination will not be allowed unless the Sub-Committee considers that cross examination is required for it to understand the intention of the application or notice and the nature of the representations made.
- 8.2 The order of business will be at the discretion of the Sub-Committee, but will normally proceed in accordance with the following paragraphs.
- 8.3 At the beginning of the hearing the Chairman will: -
- Introduce the members of the Sub-Committee who will make the decision, and the officers assisting them with the hearing process,
  - invite everyone else to identify themselves to the Chairman so that we can check their attendance against the previous notices submitted,
  - explain to everyone the procedure that the Sub-Committee intends to follow for the hearing.
- 8.4 The Sub-Committee will then consider any requests for permission for another person to appear at the hearing (paragraph 4.3 above). Whilst permission will not be unreasonably withheld, the Sub-Committee will need to be convinced of their relevance to the hearing (see paragraph 8.7).
- 8.5 The Chairman may ask the Sub-Committee's legal representative to introduce the application, and briefly outline the matter which the Sub-Committee is being asked to decide. Alternatively, the Chairman may, if he is happy the report is self-explanatory, proceed directly to the next paragraph.
- 8.6 You will normally be invited to address the Sub-Committee in the following order: -
- Applicant;
  - Responsible Authorities;
  - Interested Parties.
- 8.7 You will be entitled to: -
- give further information in support of your application, representations or notice (as applicable) in response to a point upon which the licensing authority has given notice that it will want clarification under paragraph 3.2(e);
  - question any other party if given permission by the Sub-Committee;
  - address the Sub-Committee.
- 8.8 Members of the Sub-Committee may ask you, or anybody else appearing at the hearing, questions.
- 8.9 Where there is more than one representation on similar grounds, the Sub-Committee may request that only one person address them on behalf of all those who have made similar representations.
- 8.10 In considering your application, representations or notice, the Sub-Committee may take into account documentary or other information produced by you in support of your application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

(But only where it is demonstrated to the Sub-Committee that such information could not have been provided in advance). The decision of the Sub-Committee will be final.

- 8.11 The Sub-Committee will disregard any information given or evidence produced at the hearing which is not relevant to: –
- (a) your application, representations or notice (as applicable);
  - (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.
- 8.12 The Sub-Committee may admit hearsay evidence, but consideration will always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.
- 8.13 You are entitled to make a closing submission which will be heard in the following order: -
- Interested Parties;
  - Responsible Authorities;
  - Applicant.
- 8.14 All parties will be allowed an equal maximum period of time in exercise of the rights set out in paragraphs 8.7 & 8.13 above. The Sub-Committee will determine this maximum period of time after consultation with parties.
- 8.15 After the closing submissions the Sub-Committee may withdraw from the room to make their deliberations in private.
- 8.16 The legal adviser and a Committee Manager will accompany the Sub-Committee when it retires to make its deliberations but they will not take part in the decision making process.

## **9. Role of Legal Adviser**

- 9.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the legal adviser at any time during the course of the hearing.
- 9.2 The legal adviser may intervene at any time during the course of the hearing to advise on any procedural, technical or legal matter.
- 9.3 Any advice given by the legal adviser to members of the Sub-Committee in private will be provisional until the detail of that advice has been repeated in open session and the parties have had an opportunity to comment on it. The legal adviser will then state in open session whether the advice is confirmed or varied (and if it is varied, in what way) before members act upon it.

## **10. Determination of applications**

- 10.1 The Sub-Committee will give its decision at the conclusion of the hearing or otherwise within 5 working days.

## **11. Failure of parties to attend the hearing**

- 11.1 If you have informed the licensing authority that you do not intend to attend or be represented at the hearing, the hearing may proceed in your absence.
- 11.2 If you fail to attend or be represented and have not given notice the Sub-Committee may: -
- adjourn the hearing to a specified date where it considers it to be necessary in the public interest, or
  - hold the hearing in your absence
- 11.3 Where a hearing is held in your absence, the Sub-Committee will consider your application, representations or notice at the hearing but the weight, if any, to be attached to these will take into account the fact that such information is not open to further, more detailed examination.

## **12. Adjournments**

- 12.1 Whilst the Sub-Committee must ensure applications are dealt with within the timescales required by the Act, the Sub-Committee may adjourn the hearing to a specified date or dates for the following reasons: -
- (a) A member of the Sub-Committee is taken ill;
  - (b) In accordance with the Council's Standing Orders, the Sub-Committee having sat for 3 hours, the meeting will stand adjourned.  
(However, it may resolve to continue the meeting but before doing so will seek the views of everyone in attendance.)
- 12.2 Where the Sub-Committee adjourns the hearing to a specified date or dates it will immediately notify the parties of the date(s), time(s) and place(s) to which the hearing has been adjourned.

## **13. Record of proceedings**

- 13.1 A written record of the hearing will be kept for 6 years from the date of the decision of the Sub-Committee or, where an appeal is brought against that decision, the decision of the Court hearing the appeal.

## **14. Waiver of rules**

- 14.1 Except where prescribed by the regulations, the Sub-Committee may in any particular case dispense with or modify these rules.
- 14.2 The licensing authority may extend a time limit provided for in the regulations for a specified period where it considers this to be necessary in the public interest.
- 14.3 Where the licensing authority has extended a time limit it will immediately give you notice, stating the period of time of the extension and the reasons for it.

NOTESHuman Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right.

The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions: -

- Article 1 of the first protocol states that every person is entitled to the peaceful enjoyment of his/her possessions and the Licensing Authority, when taking into account this right will strike a fair balance between the applicant's interest and the interests of the public.
- Article 6 relates to the determination of civil rights and obligations and states everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It is established that holding a Licence is a civil right within the meaning of Article 6 and therefore any hearing to determine licence applications, variations, renewals or revocations would need to comply with the safeguards of the convention. The Council's hearings will be conducted fairly in accordance with the rules of natural justice and as applicants have a full right of appeal to an independent tribunal against any decision made by the Licensing Authority, the requirements of Article 6 will have been complied with.

- Article 8 states that
  - (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
  - (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Like Article 1, the Licensing Authority, when considering this right must strike a fair balance between the applicant's interest and the interests of the public.

# Licensing Sub-Committee

19/01/2015

## White Horse Public House



<b>Subject</b>	Application to vary the Premises Licence at 69 Thames Street, Sunbury on Thames, TW16 6QU.		
<b>Purpose</b>	For determination		
<b>Report of</b>	Assistant Chief Executive	Ward	Sunbury East
<b>Contact</b>	Dawn Morrison, Licensing Manager, (01784) 446432		

<b>Description and Location</b>	<p>The White Horse is a public house located on the corner of Thames Street and The Avenue, Sunbury on Thames. It lies adjacent to parade of shops, which includes a convenience store, post office, estate agents, tailors and opticians. It lies opposite The Phoenix Pub, 24-26 Thames Street and the Moon in Moon restaurant at 71 Thames Street.</p> <p>While Sunbury is primarily a residential area, Thames Street is recognised as the commercial centre of Lower Sunbury.</p> <p>A location plan is provided at <b>Appendix A</b> and the current premises licence together with plans are attached as <b>Appendix B</b>.</p>
<b>The Application</b>	<p>The application is to vary the licence as follows:</p> <ul style="list-style-type: none"> <li>• To extend the finish time for the sale of alcohol to midnight Monday to Sunday inclusive.</li> <li>• To permit the provision of late night refreshment from 23:00 to 00:30 Monday to Sunday inclusive.</li> <li>• To remove all embedded restrictions contained within Annex 3 of the premises licence.</li> <li>• To amend the plans attached to the premises licence to permit licensable activities in the new dining/function room</li> </ul> <p>The application form is attached at <b>Appendix C</b>.</p>
<b>Representations</b>	<p>17 relevant representations were received from nearby residents on the grounds of prevention of public nuisance and are attached at <b>Appendix D</b>. 1 representation was received from the ward councillor, Councillor Ian Harvey, attached at <b>Appendix E</b></p> <p>2 representations were received from responsible authorities, Surrey</p>

	Police and Spelthorne Borough Council Environmental Health Dept, attached at <b>Appendix F</b> .
<b>Options</b>	<ol style="list-style-type: none"> <li>1. The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.</li> <li>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"> <li>▪ <b>To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions;</b> or</li> <li>▪ <b>To grant the application and modify the conditions of the licence, by alteration, addition or omission</b> or</li> <li>▪ <b>To reject the whole or part of the application</b></li> </ul> </li> </ol>

## 1. Background – Premises

- 1.1 The premises licence at the White Horse was originally converted from a justices' licence to a premises licence in 2005, at which time no "simultaneous variation" was received. Therefore the White Horse is one of the few premises in Spelthorne licenced to sell alcohol for consumption on the premises that has the same terms as a licence issued under the 1964 licensing regime.
- 1.2 During the transitional phase of the Licensing Act 2003, a large number of premises had their existing licences converted into premises licences and applicants that did not seek to vary the licence simultaneously, under the transitional arrangements, automatically inherited 'grandfather rights'.
- 1.3 This means that the White Horse premises licence is still subject to the conditions and restrictions contained within the Licensing Act 1964 and these are known as "embedded restrictions".
- 1.4 Applicants that no longer wish for these embedded restrictions to form part of their licence must request their removal by way of a variation application. In most cases their removal will not impact on the licensing objectives and their removal can usually be achieved via a "minor variation".

## 2. Background – Applicants

- 2.1 Prior to their appointment at the White Horse Public House, Mr and Mrs Martignago previously managed the Three Fishes pub in Green Street, Sunbury, between October 2011 and February 2013.
- 2.2 During their time at the Three Fishes the Council's Licensing Section undertook routine licensing inspections and found the premises to be well run. The requirements of the Licensing Act 2003 were found to have been complied with and records show that no complaints were received.

In October 2013, Mr and Mrs Martignago took over the White Horse Public House, appointed by the premises licence holder Enterprise Inns Plc, at which time Mr Martignago was also appointed DPS.

- 2.3 In November 2013 an application was received for the transfer of the premises licence from Enterprise Inns Plc to Mr and Mrs Martignago. The application received no representations and the transfer was completed.
- 2.4 The Licensing Officer has undertaken unannounced licensing inspections and has found the requirements of the Licensing Act 2003 to have been complied with. The premises were found to be well managed. A copy of the licensing inspection reports and accompanying letters from inspections undertaken in February 2014 and October 2014 are attached at **Appendix G**.
- 2.5 While the Licensing Section has received a considerable number of complaints from number of residents relating to anti-social behaviour in the area of Thames Street, the complaints have been specific in nature and related to other licensed premises in the area. No complaints have been received in relation to the White Horse public House.

### **3. Application summary**

- 3.1 On 18 November 2014 Spelthorne Borough Council received an application for a variation of the premises licence to incorporate the following changes:
  - i. To extend the finish time for the sale of alcohol to midnight Monday to Sunday inclusive.
  - ii. To permit the provision of late night refreshment from 23:00 to 00:30 Monday to Sunday inclusive.
  - iii. To remove all embedded restrictions contained within Annex 3 of the premises licence, (which are shown on page 4 of the premises licence, Appendix B)
  - iv. To amend the plans attached to the premises licence to permit licensable activities in the new dining/function room.
- 3.2 The application form is attached at **Appendix C**.
- 3.3 After an initial discrepancy with the display of the public notice, the public was consulted in accordance with section 17(5) of the Licensing Act 2003, by way of a blue poster detailing the application, which was displayed at the premises for 28 consecutive days from 27 November 2014 to 25 December 2014.
- 3.4 A newspaper public notice advertising the application was also published in the Herald and News on Thursday 4 December 2014.

### **4.0 Licensing Objectives**

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.
- Under age sales
- Anti-social behaviour on, or directly attributable to, the premises.

**Public safety**

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

**Prevention of public nuisance**

- Noise/light or odour nuisance
- Litter

**Protection of children from harm**

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

**5.0 Representations****5.1 i) Representations from Responsible Authorities**

Surrey Police Licensing Officer, Simon Bate, and Senior Environmental Health Officer, Leslie Spearpoint, have provided responses to the application. Their representations are attached as **Appendix F**.

**5.2 ii) Representations from ‘other persons’**

17 representations were received from other persons in relation to the original application, which are attached as **Appendix D**.

**5.3 iii) Representations from Ward Councillor**

1 representation was received from the ward councillor, Councillor Ian Harvey in relation to the original application which is attached as **Appendix E**.

**5.4 The grounds upon which the representations against this application are made come under two of the four licensing objectives, are shown below:*****Prevention of crime and disorder***

- Increase in anti-social behaviour from people leaving the premises late at night

***Prevention of public nuisance***

- Noise caused by people leaving the premises on foot
- Noise of cars leaving the premises

**5.5 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
- Objections on the basis of saturation of the local market
- Objections on the basis of parking provision in the area
- Objections on the basis of the character of the area

## 6.0 Licensing Policy

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

- Section 3 Licensing Objectives and Licensable Activities
- 16.1 Licensing Hours – General
- It should be noted that the licensable activity of 'providing late night refreshment' refers only to the supply of 'hot food and hot drink'. Supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal, or hot beverage such as tea or coffee, is served to the customer and, for this reason, it is customary for late night refreshment to be permitted until closing time for restaurants.

## 7.0 National Guidance

7.1 The following sections of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant in the consideration of this application:

- 3.11 – 3.18 (Late Night Refreshment)
- 2.1 to 2.7 (Crime and Disorder)
- 2.18 to 2.44 (Public Nuisance)

These sections are attached at **Appendix H**.

## 8.0 Making a decision

8.1 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.

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

8.3 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.

8.4 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.

8.5 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.

**Appendices:**

**Appendix A – Location Plan**

**Appendix B – Current premises licence and plan**

**Appendix C – Application and proposed plan**

**Appendix D – Representations from residents**

**Appendix E – Representation from Ward Councillor**

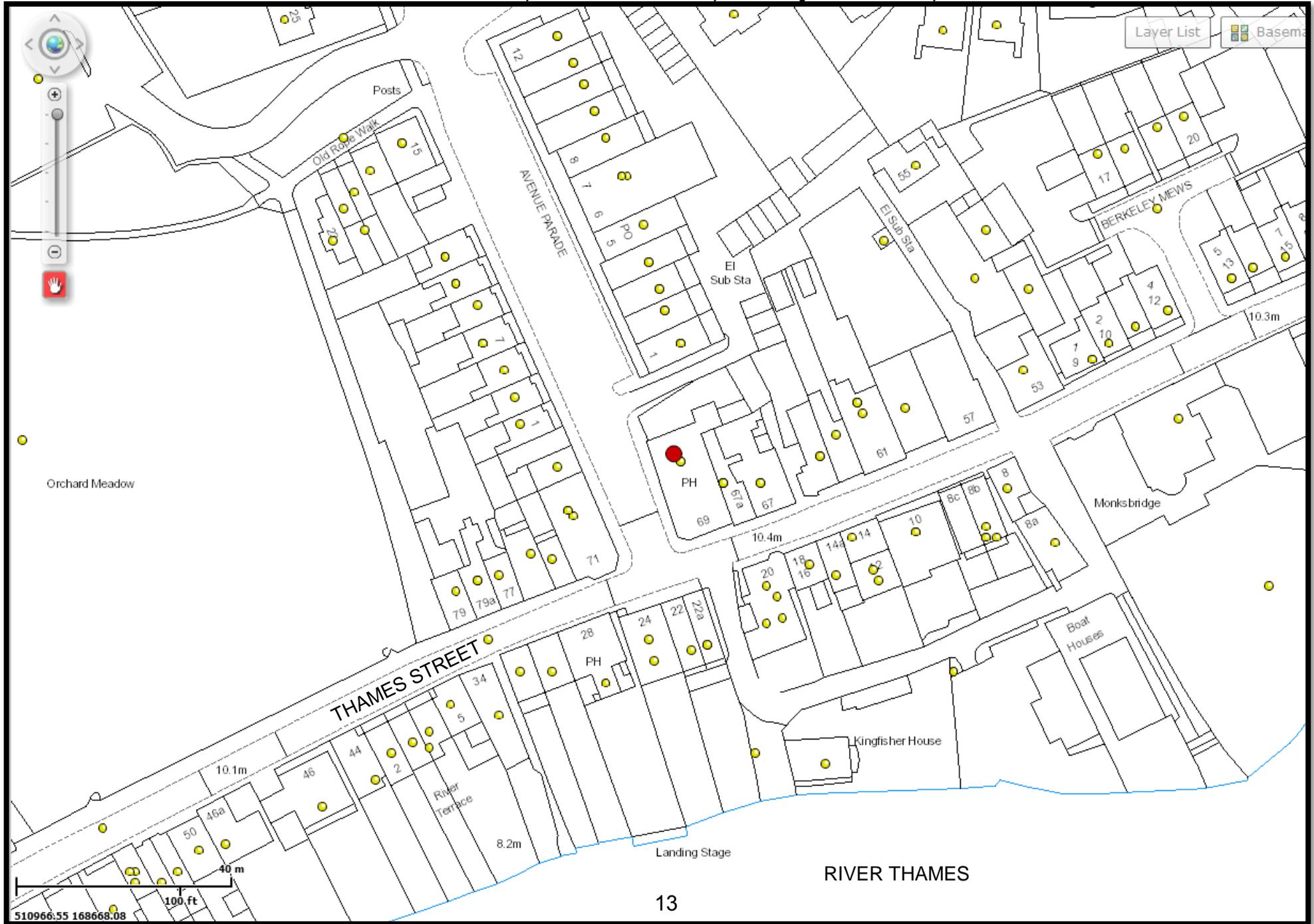
**Appendix F – Representations from Responsible Authorities**

**Appendix G – Licensing Inspection reports and correspondence**

**Appendix H – National Guidance Sections 2.1 to 2.7, 2.18 to 2.44 and 3.11 – 3.18**

### Location Plan

## White Horse Public House, 69 Thames Street, Sunbury On Thames, TW16 5QF





## Appendix B – Current premises licence and plan

**SPELTHORNE BOROUGH COUNCIL**  
Council Offices, Knowle Green, Staines, TW18 1XB.

**PREMISES LICENCE**

<b>Premises licence number</b> 05/00442/LAPRE
<b>Issue Date</b> 8 November 2005
<b>Latest Revision Date</b> 23 April 2014

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
The White Horse 69 Thames Street			
<b>Post town</b>	Sunbury-On-Thames	<b>Post code</b>	TW16 5QF
<b>Telephone number</b>	01932 782206		

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol
Provision of regulated entertainment: Only as currently permitted via the private Places of Entertainment Act 1967 and the playing of recorded music pursuant to section 182 of the Licensing Act 1964

<b>The times the licence authorises the carrying out of licensable activities</b>
10.00 to 23.00 Monday to Saturday 12.00 to 22.30 Sundays and Good Friday 10.00 New Year's Eve to 23.00 New Year's Day (except if New Year's day falls on a Sunday when terminal hour 22.30 applies) 12.00 to 15.00 and 19.00 to 22.30 Christmas Day

<b>The opening hours of the premises</b>
Unrestricted other than any planning or other restrictions

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
For consumption on and off the premises



## Appendix B – Current premises licence and plan

**Part 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Flavio Martignago,  
30 Dudley Road,  
Feltham,  
Middlesex  
TW14 8EH

07957 973986  
alimag@hotmail.co.uk

**Registered number of holder, for example company number, charity number (where applicable)**

2562808

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Flavio Martignago,  
30 Dudley Road,  
Feltham,  
Middlesex  
TW14 8EH

07957 973986  
alimag@hotmail.co.uk

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

HO3208 – London Borough of Hounslow Council

Signed \_\_\_\_\_



STB

**Assistant Chief Executive**

Dated 07 May 2014

## Appendix B – Current premises licence and plan

**Annex 1 - Mandatory conditions****Mandatory Condition: where a premises licence authorises the supply of alcohol:**

1. No supply of alcohol may be made under the Premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010**

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age

## Appendix B – Current premises licence and plan

(or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

### **Mandatory Condition: door supervision**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection 1. requires such a condition to be imposed-
  - a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films), or
  - b) In respect of premises in relation to –
    - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
    - II. Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

For the purposes of this section, “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and paragraph 8(5) of that Schedule (interpretation of references to and occasion) applies as it applies in relation to paragraph 8 of that Schedule

### **Annex 2 - Conditions consistent with the Operating Schedule**

N/A

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

### **Embedded Restrictions**

#### Credit Sales

The provisions of the 1964 Act relating to credit sales are contained in section 166 and are effectively repealed without replacement in the 2003 Act.

#### Permitted hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 10.00 a.m. if New Year's Day falls on a weekday or 12 noon if a Sunday.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

## Appendix B – Current premises licence and plan

- (b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (f) the taking of alcohol from the premises by a person residing there; or
- (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Permitted hours – off sales

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d). On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold for consumption off the premises in an open container or be consumed in the licensed premises.

On licences with no children's certificate

The 2003 Act replaces all the existing offences relating to the presence on licensed premises of children, sales of alcohol to them, unsupervised sales by them and purchase and consumption by them. The new offences are set out in sections 145 - 154 (of the Act) and will apply to all premises carrying on licensable activities under premises licences or club premises certificates as appropriate.

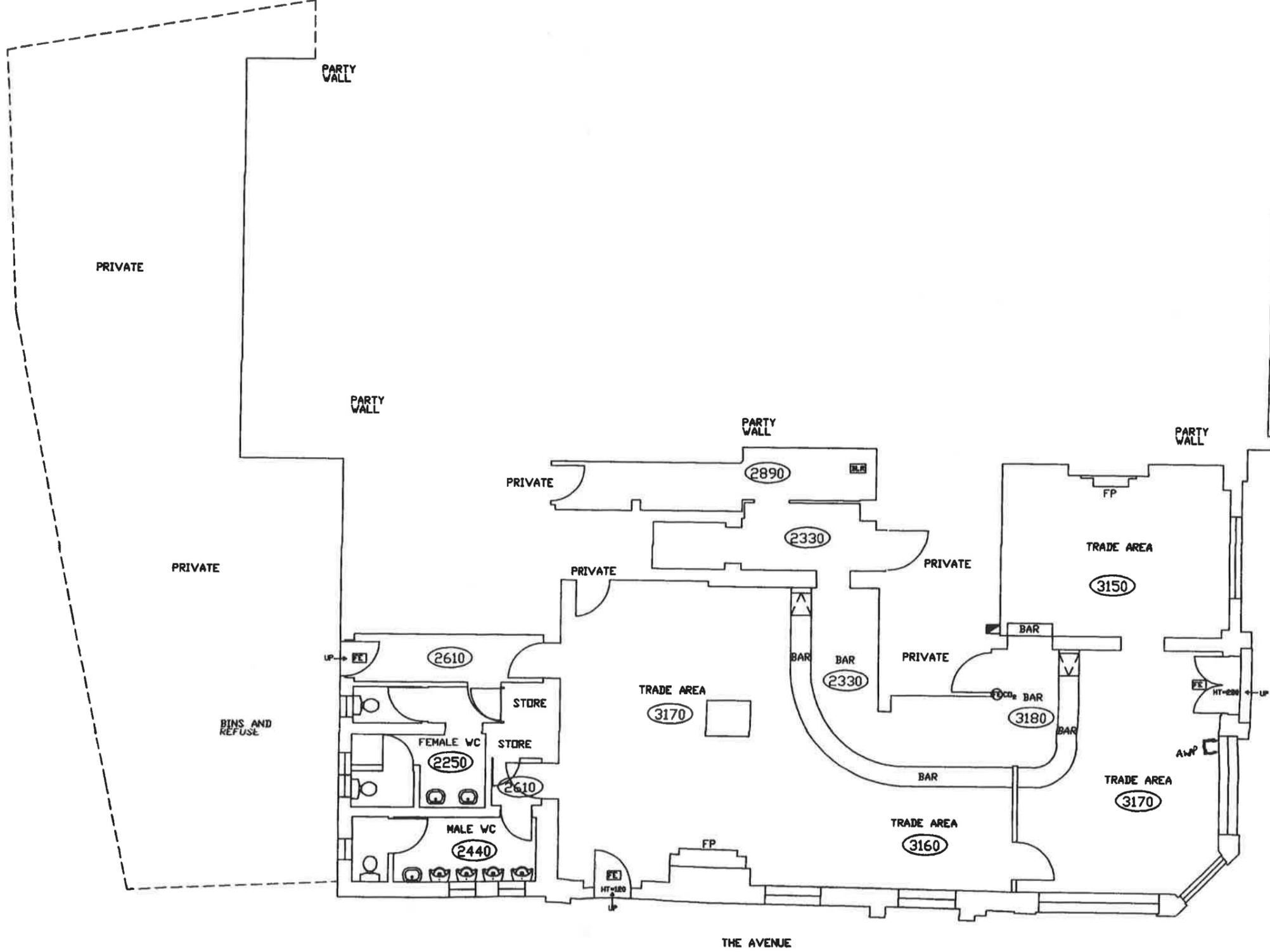
Drinking up time

The consumption of alcohol is not a licensable activity under the 2003 Act. A converted licence is governed by the permitted hours relating to the sale or supply of alcohol. For example, such sales would have to cease at 11.00pm (or any other time if some variation of those hours was enjoyed). However, the period during which consumption of alcohol purchased during permitted hours is unrestricted because it is not a licensable activity.

Annex 4 – Plans

Attached

Appendix B – Current premises licence and plan





**Application to Vary a Premises Licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

**Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.**

(1) Delete as applicable.  
(2) Insert name(s) of applicant.

(1) ~~Hi~~ (2) **We**

**FLAVIO MARTIGNAGO**

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

**Premises licence number** 05/00442/LAPRE

**Part 1 - Premises Details**

Postal address of premises or, if none, Ordnance Survey map reference or description			
THE WHITE HORSE 69 THAMES STREET			
Post town	SUNBURY ON THAMES	Postcode	TW16 5QF
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 15000.00	

**Part 2 - Applicant Details**

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	30 DUDLEY ROAD
Post town	FELTHAM, MIDDLESEX
Postcode	TW14 8EH

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

DD                  MM                  YYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please read guidance note 1)  Yes  No

**Appendix C - Application and proposed plan**

**Please describe briefly the nature of the proposed variation (Please read guidance note 2)**

1. To extend the finish time for the sale of alcohol to midnight on Mondays to Sundays inclusive.
2. To permit late night refreshment from 2300 to 0030 on Mondays to Sundays inclusive.
3. To remove all embedded restrictions contained within Annex 3 of the premises licence.
4. To amend the plan attaching to the premises licence to permit licensable activities in the new dining/function room.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 - Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

Please tick all that apply

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

**Provision of late night refreshment** (if ticking yes, fill in box I)  ✓

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

**In all cases complete boxes K, L and M**

Appendix C - Application and proposed plan

**A**

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

**B**

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

Appendix C - Application and proposed plan

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Tue			
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 3) <table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input type="checkbox"/>								
Outdoors	<input type="checkbox"/>								
Both	<input type="checkbox"/>								
Day	Start	Finish							
Mon			<b>Please give further details here</b> (please read guidance note 4)						
Tue									
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)						
Thur									
Fri									
Sat			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)						
Sun									

Appendix C - Application and proposed plan

**E**

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

**F**

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

**G** Appendix C - Application and proposed plan

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

**H**

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

Appendix C - Application and proposed plan

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</b> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon	2300	0030		
Tue	2300	0030		
Wed	2300	0030	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)	
Thur	2300	0030		
Fri	2300	0030	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
			2300 to 0500 on December 31st into January 1st.	
Sat	2300	0030		
Sun	2300	0030		

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption - please tick</b> (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	
Mon	1000	2400		
Tue	1000	2400		
Wed	1000	2400		
Thur	1000	2400	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Fri	1000	2400	On New Years Eve - permitted from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.	
Sat	1000	2400		
Sun	1200	2400		

Appendix C - Application and proposed plan

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)**  
 NONE

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)	
Day	Start	Finish	AS EXISTING	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
				<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)

**Appendix C – Application and proposed plan**

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

The embedded condition relating to credit sales, permitted hours, on licences with no children's certificate and drinking up time are all to be deleted

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence, or part of it, below

Reasons why I have not enclosed the premises licence or relevant part of premises licence

**M**

**Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:**

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

AS EXISTING - SAVE FOR THE DELETED EMBEDDED CONDITIONS

**(b) The prevention of crime and disorder**

AS EXISTING - SAVE FOR THE DELETED EMBEDDED CONDITIONS

Appendix C - Application and proposed plan

**(c) Public safety**

AS EXISTING - SAVE FOR THE DELETED EMBEDDED CONDITIONS

**(d) The prevention of public nuisance**

AS EXISTING - SAVE FOR THE DELETED EMBEDDED CONDITIONS

**(e) The protection of children from harm**

AS EXISTING - SAVE FOR THE DELETED EMBEDDED CONDITIONS

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.**

## Appendix C - Application and proposed plan

**Part 5 - Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Gosschalks</i>
Date	17TH NOVEMBER 2014
Capacity	SOLICITORS ON BEHALF OF THE APPLICANT

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14)			
Gosschalks Solicitors (ref RJT/MJM)			
Queens Gardens			
<b>Post town</b>	KINGSTON UPON HULL	<b>Postcode</b>	HU1 3DZ
<b>Telephone number (if any)</b>	01482 324252		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			
rjt@gosschalks.co.uk			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

- You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- Please 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.
- If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- Please 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 or the presence of gaming machines.
- Please list here steps you will take to promote all four licensing objectives together.
- The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- This is the address which we shall use to correspond with you about this application.

Appendix C - Application and proposed plan

## LICENSING ACT 2003 NOTICE OF APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34

Notice is hereby given that on the 18<sup>th</sup> November 2014 Flavio Martignago applied to Spelthorne Borough Council for the variation of the Premises Licence in respect of premises The White Horse, 69 Thames Street, Sunbury on Thames TW16 5QF.

The proposed variation is to:-

1. To extend the finish time for the sale of alcohol to midnight on Mondays to Sundays inclusive.
2. To permit late night refreshment from 2300 to 0030 on Mondays to Sundays inclusive.
3. To remove all embedded restrictions contained within Annex 3 of the premises licence.
4. To amend the plan attaching to the premises licence to permit licensable activities in the new dining/function room.

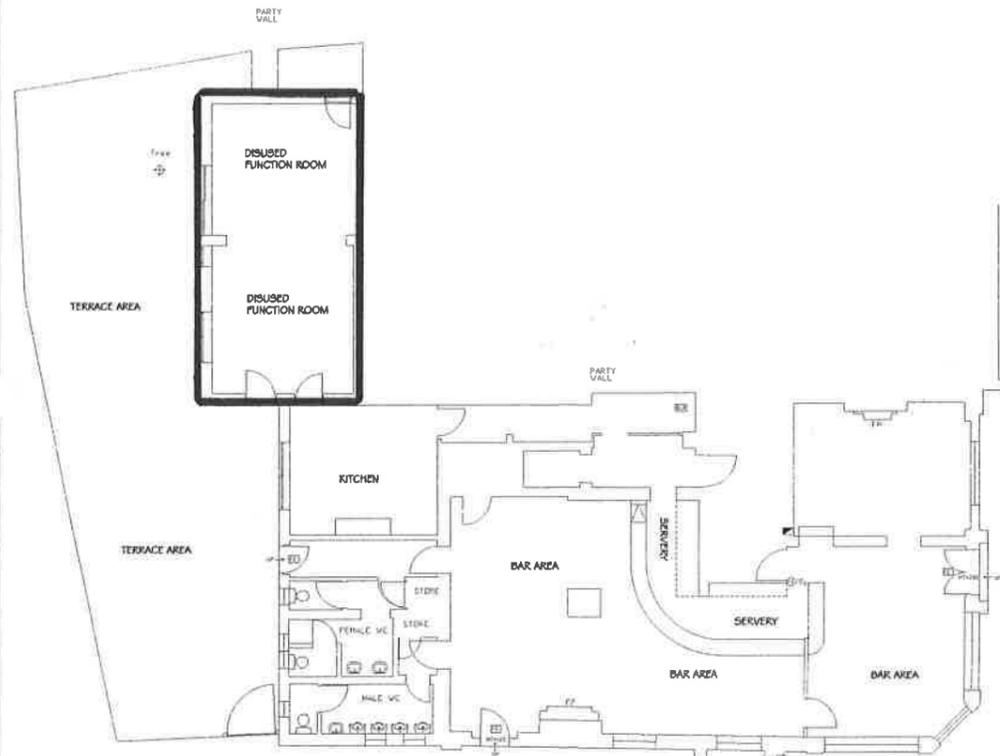
Any representations regarding this application must be received in writing by:- Spelthorne Borough Council, Licensing Section, Knowle Green, Staines, TW18 1XB or by email to [licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk) no later than 16<sup>th</sup> December 2014 stating the grounds for representations. Representations received after this date will not be considered.

The register of Spelthorne Borough Council and the record of the application may be inspected at the above Council address during normal office hours or via [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.

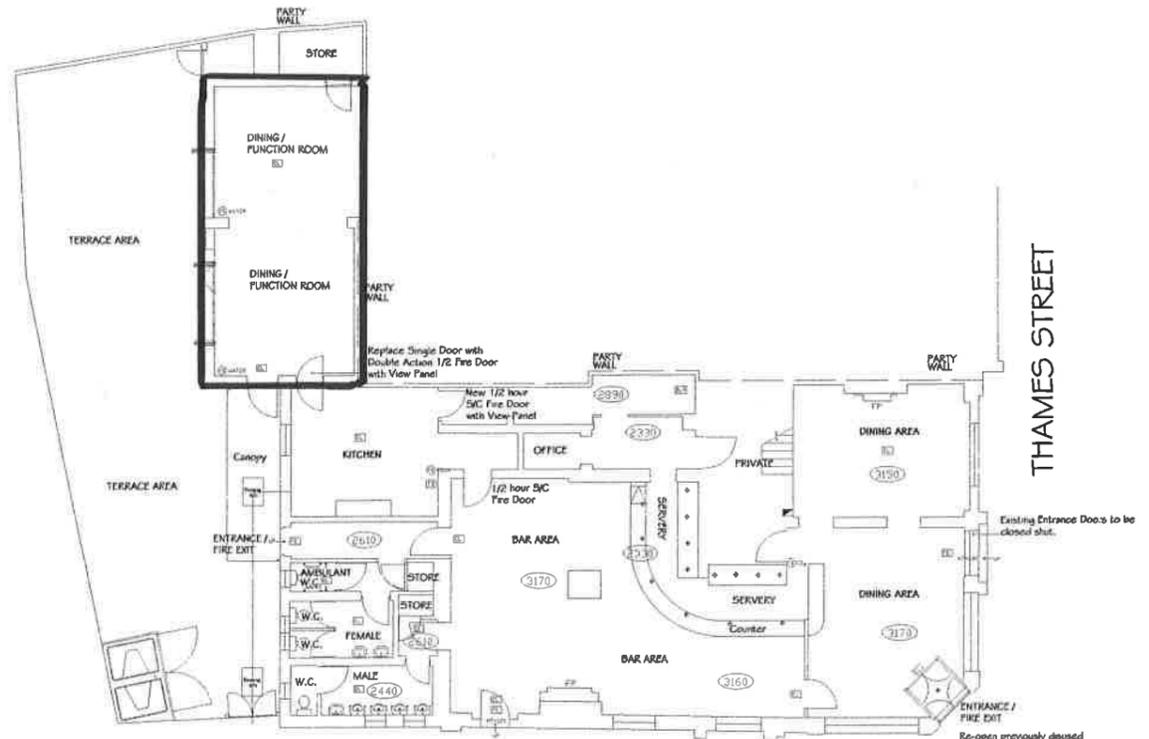
Appendix C - Application and proposed plan

Appendix C - Application and proposed plan



THE AVENUE

EXISTING GROUND FLOOR PLAN  
Scale: 1:100



THE AVENUE

PROPOSED GROUND FLOOR PLAN  
Scale: 1:100

SCHEDULE OF ADDITIONAL ACCOMMODATION:  
 1: Number of storeys of building.  
 2: Staff accommodation.  
 3: Letting rooms with mini bar.  
 4: Letting rooms without mini bar.

- LEGEND
- (2600) CEILING HEIGHT
  - WINDOW
  - FP FIRE PLACE
  - DOOR
  - TOILET
  - URINAL
  - WASH HAND BASIN
  - BOILER
  - FIRE EXIT
  - EMERGENCY LIGHT
  - DISTRIBUTION BOARD
  - SMOKE DETECTOR
  - HEAT DETECTOR
  - FIRE BLANKET
  - FIRE EXTINGUISHER CO2
  - FIRE EXTINGUISHER FOAM
  - FIRE EXTINGUISHER WATER
  - FIRE EXTINGUISHER POWDER
  - SPRINKLER OUTLETS
  - DRY RISER
  - WET RISER
  - FIRE ALARM CALL POINT
  - STEPS
  - SINK UNIT
  - AMUSEMENT WITH PRIZES
  - BAR FLAP



INDICATIVE ONLY

LOCATION PLAN  
Scale: 1:1250



All Contractors are responsible for checking all measurements and details. This drawing must not be scaled for construction purposes.

**Client** ENTERPRISE INNS PLC

**Project** THE WHITE HORSE P.H.  
69 THAMES STREET  
SUNBURY-ON-THAMES, MIDDX TW1 6SQF

**Detail** EXISTING & PROPOSED GROUND FLOOR PLAN  
LICENSING PLAN

Drwg Nr 13.11.10    Scale VAR    Date OCT 2014

**PORTICO** Architecture & Interiors  
www.portico-uk.com  
Info@portico-uk.com  
The Old Forge, Upper Street, Hollingbourne, Maidstone, Kent, ME17 1UW  
T: 01822 880006    F: 01822 880585



## Appendix E – Representation from Ward Councillor

**From:** Harvey Ian (Councillor)  
**Sent:** 23 December 2014 15:36  
**To:** Licensing  
**Subject:** FW: White Horse Pub - Application to vary premises licence

Dear Licensing

I wish, as Ward Councillor for this location, to OPPOSE the requested changes (except to include the new dining room in the area licensed, which I am happy with).

The local area around it is primarily a quiet residential area, in particular from later evening onwards, and I regard any extension of licensed / operating hours and relaxation of restrictions as inappropriate and liable to significantly increase noise and similar disturbances around residential properties late at night. Furthermore I believe that any further extension also increases the risk of antisocial behaviour, in particular late at night, in this residential area. I consider the existing licensed hours sufficiently generous and the maximum acceptable for the location.

I have also been contacted by residents of the flats above the shops at Avenue Parade (immediately adjacent to the White Horse) who have raised significant concerns about this and indeed are already disturbed by White Horse customers returning to their vehicles parked outside the shops, immediately below their homes, and passing by as they return to their vehicles parked in Orchard Meadow Car Park. The majority of these flats are occupied by families with young children.

I am however content to include the new dining room within the area licensed (point 4 on the summary below).

As Ward Councillor I am unable to sit on the sub-committee but it is my intention to speak against this application at the Hearing.

Yours sincerely

Cllr Ian Harvey  
Sunbury East ward  
Vice Chairman, Licensing Committee SBC



## Appendix F – Representation from Responsible Authorities

**From:** Bate, Simon 13153  
**Sent:** 23 December 2014 10:03  
**To:** Danson, Reba  
**Subject:** White Horse

Reba,

With regards to the White Horse Premises Licence application to vary its premises licence to include the following changes

- 1) To extend the finish time for the sale of alcohol to 00.00 hrs (midnight) from Monday to Sunday inclusive (the current licence allows alcohol sales until 23:00 Monday to Saturday inclusive and until 22:30 on Sundays).
- 2) To permit late night refreshment until 00:30 on Mondays to Sundays inclusive (current licence allows refreshments until 23:00 daily).
- 3) To remove all embedded restrictions contained with Annex 3 of the premises licence (please see attached word document for the embedded restrictions this refers to).
- 4) To amend the plan attached to the premises licence to permit licensable activities in the new dining/function room.

***I have considered the application carefully and in accordance with the Governments guidance considered the application on its own merit. During my consideration I carried out the following actions***

I have checked all Police records and can say from those records, over the previous licensing year the premises have had virtually no incidents of recorded crime or disorder incidents attributed to it. Checks of all telephone calls made to the Police by the public were carried out resulting in only one call from an anonymous caller regarding the sale of alcohol to under age persons. On investigation Police found no evidence to support the allegation. The only reported crime from the premises was a report from a female who allegedly told Police she had been verbally abused by males who were drunk. The males apparently entered the premises after drinking elsewhere. It should be recognised Police figures are used only a guide and cannot be fully inclusive with some incidents or allegations going unreported for various reasons.

I then consulted with local Police Officer who is responsible for policing the area surrounding the White Horse. I was informed Officers were fully aware of this premises, its current owners and longstanding local issues. Officer's view was that they found the owners to be fully responsive and run the premises responsibly. The vicinity is however described by the Officers as being noise sensitive with the majority of its existing problems being generated by other licensed premises nearby.

### **In Conclusion**

**Police do not object to this application however would like to make the following observations**

Most of the current problems in this area appear to relate to noise nuisance and anti social behaviour emanating from other licensed premises. Police are satisfied this premises has been managed responsibly and would not like to see this change by this application.

Police would strongly recommend in this case the applicant considers introducing a last entry policy so as to avoid the premises suddenly becoming known as a late

Appendix F – Representation from Responsible Authorities

night drinking venue. It is known Customers who have been drinking excessively elsewhere will be looking for that last drink and can sometimes create management difficulties particularly when dealing with individual's alcohol intake has not been monitored throughout the evening and disruption when a new groups is suddenly introduced into what is an already settled customer base.

Regards  
Simon

Elmbridge, Spelthorne and Runnymede  
Police Licensing Enforcement Officer  
c/o Esher Police Office  
Level 1 Esher Civic Centre  
High Street.  
Esher  
KT10 9SD

## Appendix F – Representation from Responsible Authorities

**The White Horse Public House  
69 Thames Street  
Sunbury on Thames**

The licensee, Flavio Martigago, for the premises, has made an application to extend its licensable activities in relation to the sale of alcohol and the serving of food. The extended times are:

1. Sale of alcohol to 00:00 Mon to Saturday, with Sunday's remaining at 22:30,
2. The serving of late night refreshments, i.e. food to be permitted between the hours of 23:00 – 00:30, Monday to Saturday.

The current licensee took over the premises in October 2013 and no noise complaints have been received by Environmental Health, since that date concerning the premises. Prior to the licensee being at The White Horse, the licensee was at the Three Fishes Public House, 35 Green Street, Sunbury, which is very close to The White Horse Public House, from November 2011 to February 2013. Whilst, he was managing the premises, no noise complaints were received, despite complaints being received by Environmental Health on either side of these dates.

Environmental Health, does not object to the granting of the proposed extension of its licensable activities as the premises are well managed i.e. no noise complaints at both premises the licensee has managed in the Borough and also the business is primary food.

However, Environmental Health does have a general concern, that looking at the permitted hours of selling alcohol, at the nearby Public Houses; they all have the same times they are permitted to sale alcohol up to, i.e. Monday to Saturday 23:00. With the proposed extension, to 00:00, there could be noise and other anti-social behaviour caused by people migrating from local public houses in the vicinity of The White Horse, thus possible causing noise and other anti-social behaviour problems round the area of The White Horse. In order, to reduce, anti-social behaviour, Environmental Health is suggesting one of the following conditions:

1. That they have a condition of last entry, i.e. no person(s) to be admitted after 22:30; or
2. That a meal must be purchased with any drink purchased after 22:30, or have consumed a meal at the premises prior to 22:30. This is to reflect the nature of business.

Leslie Spearpoint  
Senior Environmental Health Officer  
22<sup>nd</sup> December 2014



## Appendix G – Licensing Inspection reports and correspondence

Enterprise Inns Plc  
3 Monkspath Hall Road  
Solihull  
B90 4SJ

Please contact: Reba Danson  
Please telephone: 01784 444202  
Email Address: 01784 446437  
Date: [r.danson@spelthorne.gov.uk](mailto:r.danson@spelthorne.gov.uk)  
5 February 2014

Dear Sir/Madam,

**LICENSING ACT 2003**

**Licensed premises: The White Horse Public House, 69 Thames Street, Sunbury on Thames, TW16 5QF**

I am writing following a full licensing inspection of the above premises conducted on 31 January 2014 with the <sup>v</sup>DPS Mr Flavio Martinago and his wife Alice.

I am pleased to report that all licensing documentation was in order:

- Premises Licence Summary displayed
- Premises Licence produced for inspection
- Section 57 Notice displayed
- Personal Licence in possession and seen
- Written authorisations seen (new staff to be added)
- 125ml measure seen and prices available to customers

We discussed the issue of staff training and the importance of ensuring that staff understand their responsibilities in relation to the sale of alcohol and the Licensing Act 2003.

The DPS was unaware that SIA Licensed Door Supervisors retain their licence even after a revocation and I advised that the SIA website be checked on a regular/weekly basis to confirm that the licences of the staff he uses are always valid. I also explained that it is an offence to use an SIA Door Supervisor if the licence has been revoked.

I saw no issues for concern at all and, based on my findings and our conversation, have confidence in the management of this premises.

I trust that the information above is clear and self-explanatory; however should you have any questions or require further information please do not hesitate to contact me on the above number and I will be pleased to help.

Yours sincerely

**Reba Danson**  
Licensing Officer

Appendix G – Licensing Inspection reports and correspondence

ALICE



Licensing Inspection Summary

Premises Name: WHITE HORSE

Time: 11:00 Date: 31-01-14

Licensing Officer: REBA DANSON

Person seen: ALICE & FLAVIO (DPS)

1. Premises Licence available for inspection? 18/10/13, ~~REMOVED~~ AVAILABLE + SEEN  Yes / No

2. Premises Licence SUMMARY clearly displayed? YES, DISPLAYED  Yes / No

3. Section 57 Notice displayed? YES DISPLAYED  Yes / No

4. DPS Present? YES, HOUNSLOW H03208 2304-04-2021  Yes / No

5. How many Personal Licence Holders employed? 2

6. Written authorisation? 2 TO BK ADDED - NEW STAFF  Yes / No

7. Training records for staff with delegated responsibility? GIVEN TEMPLATE Yes / No

8. CCTV working/ time and date correct? NO CCTV Yes / No

9. CCTV requested footage shown? NO CCTV Yes / No

10. Refusals Book? What are entries being made for? ALCOHOL / CIGARETTES / FAILURE TO PRODUCE ID / UNDERAGE / INTOXICATED/DRUNK REFUSALS BOOK DISCUSSED. HAVE INCIDENT BOOK + GET STAFF REMINDER ABOUT IMPORTANCE OF RECORDING ALL REFUSALS AS EVIDENCE OF GOOD PRACTICE.  Yes / No

11. Challenge 21/25 posters/notices? CHALLENGED 25 BUT BOTH DISPLAYED  Yes / No

12. CCTV requested footage shown? NO Yes / No

ANYWAY NEAR 125ML - ALL MEASURES SEEN. THE PRICES FOR 125ML. SIA CLASSIC ✓ 41 email mandatory condition

## Appendix G – Licensing Inspection reports and correspondence

Mr F Martinago  
The White Horse  
69 Thames Street  
Sunbury on Thames  
TW16 5QF

Please reply to:

Service: Environmental Health  
Contact: Reba Danson  
Direct Line: 01784 444202  
Fax: 01784 446437  
Email: r.danson@spelthorne.gov.uk  
Date: 13 October 2014

Dear Mr Martinago,

**LICENSING ACT 2003**

**Address: The White Horse, 69 Thames Street, Sunbury, TW16 5QF  
Licensing Inspection**

On Wednesday 8 October 2014 I attended the White Horse pub for the purpose of conducting a full licensing inspection. I was really pleased to find the majority of licensing requirements met without difficulty or delay.

The only unmet licensing requirement was that your record of written authorisations has become outdated through the change of staff.

I asked that you address this by ensuring that any non-personal licence holders receive training on their duties and responsibilities under the Licensing Act 2003, that a record of their training be produced and that a record of written authorisation for each member of staff is made and maintained on the premises for inspection.

I was delighted to hear the success of your new restaurant and that the complaint from a customer that you mentioned, dating back to July 2013, was an isolated incident that you effectively dealt with. I have checked the Council records and a complaint was in fact made, but was found to be without foundation and therefore you were not contacted.

It is likely that in the run-up to Christmas the premises may receive an evening inspection visit from Licensing, Surrey Police and Environmental Health Officers.

Please do not hesitate to contact me if you have any questions.

Yours sincerely,

**Reba Danson**  
Licensing Enforcement Officer

Appendix G – Licensing Inspection reports and correspondence



Licensing Inspection Summary

Premises Name: WHITE HOUSE 69 THAMES ST

Time: 12:30 Date: 8/10/14

Licensing Officer: RD

Person seen: ALICE & FIANO MALINARO (+ MARK LEWIS)

1. Premises Licence available for inspection?  Yes /  No
2. Premises Licence SUMMARY clearly displayed?  Yes /  No
3. Section 57 Notice displayed?  Yes /  No
4. DPS Present?  Yes /  No
5. How many Personal Licence Holders employed?  1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25  26  27  28  29  30  31  32  33  34  35  36  37  38  39  40  41  42  43  44  45  46  47  48  49  50  51  52  53  54  55  56  57  58  59  60  61  62  63  64  65  66  67  68  69  70  71  72  73  74  75  76  77  78  79  80  81  82  83  84  85  86  87  88  89  90  91  92  93  94  95  96  97  98  99  100  101  102  103  104  105  106  107  108  109  110  111  112  113  114  115  116  117  118  119  120  121  122  123  124  125  126  127  128  129  130  131  132  133  134  135  136  137  138  139  140  141  142  143  144  145  146  147  148  149  150  151  152  153  154  155  156  157  158  159  160  161  162  163  164  165  166  167  168  169  170  171  172  173  174  175  176  177  178  179  180  181  182  183  184  185  186  187  188  189  190  191  192  193  194  195  196  197  198  199  200  201  202  203  204  205  206  207  208  209  210  211  212  213 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 1012  1013  1014  1015  1016  1017  1018  1019  1020  1021  1022  1023  1024  1025  1026  1027  1028  1029  1030  1031  1032  1033  1034  1035  1036  1037  1038  1039  1040  1041  1042  1043  1044  1045  1046  1047  1048  1049  1050  1051  1052  1053  1054  1055  1056  1057  1058  1059  1060  1061  1062  1063  1064  1065  1066  1067  1068  1069  1070  1071  1072  1073  1074  1075  1076  1077  1078  1079  1080  1081  1082  1083  1084  1085  1086  1087  1088  1089  1090  1091  1092  1093  1094  1095  1096  1097  1098  1099  1100  1101  1102  1103  1104  1105  1106  1107  1108  1109  1110  1111  1112  1113  1114  1115  1116  1117  1118  1119  1120  1121  1122  1123  1124  1125  1126  1127  1128  1129  1130  1131  1132  1133  1134  1135  1136  1137  1138  1139  1140  1141  1142  1143  1144  1145  1146  1147  1148  1149  1150  1151  1152  1153  1154  1155  1156  1157  1158  1159  1160  1161  1162  1163  1164  1165  1166  1167  1168

Appendix G – Licensing Inspection reports and correspondence



**LICENSED PREMISES INSPECTION REPORT  
LICENSING ACT 2003**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines, TW18 1XB  
 Tel 01784 444202 fax 01784 446432  
 e-mail [Environmental.health.commercial@spelthorne.gov.uk](mailto:Environmental.health.commercial@spelthorne.gov.uk)  
 website [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)

Premises name: <i>THE LITTLE HORSE</i>	Date/time <i>12:30 8/10/14.</i>
Address: <i>69 THAMES STREET.</i>	Person seen/interviewed <i>ALICE MARTINARO.</i>
Tel. Number:	position <i>MANAGER.</i>
Email:	Reason for visit <i>ADMIN. VISIT.</i>

**Summary of Visit:**

Licence produced *Y/N*

Licence summary displayed *Y/N*

DPS present Yes/No

Personal licence holder present Yes/No

If no personal licence holder present, how were alcohol sales authorised (i.e. verbal/written)?

*N/A. OLD DOC - NEW ONE NEEDED*

Evidence of failure to comply with licence conditions/licensing offences

*NONE.*

Were staff aware of licence conditions & responsibilities under the Licensing Act 2003? & were staffing levels adequate?: *YES*

Activities or management issues giving rise for concern:

*NONE.*

Details of good practice eg refusals records

*Refusals book*

Any concerns brought to notice or problems experienced at premises:

*NONE.*

Advice given or action to be taken:

*All in good order.*

**Advised to take corrective action by (date)**

**Date of re-visit if applicable**

(Copy to be left at premises)

Visit report received by (signed) *Alice* *AM*

Print name... *ALICE*

Officer (signed) *Reza*

Print name... *REZA*



**Appendix H – National Guidance Sections 2.1 to 2.7, 2.18 to 2.44 and 3.11 to 3.18****Revised Guidance issued under section 182 of the Licensing Act 2003****October 2014****Late night refreshment**

**3.11** Schedule 2 to the 2003 Act sets out what activities are to be treated as the provision of late night refreshment and those that are not and are therefore exempt from the late night refreshment aspects of the licensing regime.

**3.12** Schedule 2 provides a definition of what constitutes the provision of late night refreshment. It involves only the supply of 'hot food and hot drink'. Shops, stores and supermarkets selling cold food and cold drink that is immediately consumable from 11.00pm are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and take away food outlets where people may gather at any time from 11.00pm and until 5.00am. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a take-away is handed to a customer over the counter.

**3.13** Some premises provide hot food or hot drink between 11.00pm and 5.00am by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.

**3.14** However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.

**3.15** It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions. The key licensing objectives in connection with late night refreshment are the prevention of crime and disorder and public nuisance, and it is expected that both will normally have been adequately covered in the conditions relating to the other licensable activities on such premises.

**3.16** The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is caught by the provisions relating to the sale or supply of alcohol.

**3.17** The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as "free of charge". Supplies by a registered charity or anyone authorised by a registered charity are also exempt. Similarly, supplies made on

## **Appendix H – National Guidance Sections 2.1 to 2.7, 2.18 to 2.44 and 3.11 to 3.18**

vehicles – other than when they are permanently or temporarily parked – are also exempt.

**3.18** Supplies of hot food or hot drink from 11.00pm are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:

- a member of a recognised club supplied by the club;
- persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
- an employee supplied by a particular employer (for example, a staff canteen);
- a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
- a guest of any of the above.

### **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. 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

## **Appendix H – National Guidance Sections 2.1 to 2.7, 2.18 to 2.44 and 3.11 to 3.18**

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 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

**2.6** Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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.

**2.7** 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. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

### **Public nuisance**

**2.18** The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

**2.19** Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

**2.20** Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved

**Appendix H – National Guidance Sections 2.1 to 2.7, 2.18 to 2.44 and 3.11 to 3.18**

by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

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

**2.22** Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

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

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