



Please reply to:

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Date: 8 May 2024

Notice of meeting

Licensing Sub-Committee

Date: Thursday, 16 May 2024

Time: 10.00 am

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

To the members of the Licensing Sub-Committee

Councillors:

S.A. Dunn (Chair)

C. Bateson

D.C. Clarke

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.

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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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 Forbidden Fruit Restaurant and Bar, 2 New Parade, Ashford, TW15 2UF, in the light of representations

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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.

16 May 2024

Title	Application for a Premises Licence Applicant: Forbidden Fruit Restaurant & Bar LTD Premises: "Forbidden Fruit" 2 New Parade Ashford Surrey TW15 2UF
Purpose of the report	For Determination
Report Author	Lucy Catlyn (Principal Licensing Officer 01784 444295)
Ward(s) Affected	Ashford Town

Description and Location	<p>Forbidden Fruit Restaurant & Bar Ltd has applied for a grant of a premises licence for the provision of, late-night refreshment, Supply of Alcohol.</p> <p>"Forbidden Fruit" is located at 2 New Parade Ashford Surrey United Kingdom TW15 2UF .</p> <p>The location plan is attached at Appendix A.</p>
The Application	<p>The application is to determine the grant of a premises licence for:</p> <p>The provision of late-night refreshment (indoors only):</p> <ul style="list-style-type: none"> • Saturday 23:00 to 00.00 • New Years Eve 23.00 to 01.00 <p>Supply of alcohol (on Sales only):</p> <ul style="list-style-type: none"> • Tuesday, Wednesday Thursday 09:00 to 22:00 • Friday 09:00 to 23.00 • Saturday 09:00 to 00:00 • Sunday 09:00 to 22:00 • New Years Eve 23.00 to 01.00 <p>The opening times applied for:</p> <ul style="list-style-type: none"> • Tuesday, Wednesday Thursday 09:00 to 22:30 • Friday 09:00 to 00:30 • Saturday 09:00 to 00:30 • Sunday 09:00 to 22:30 • New Years Eve until 01.30

	The application form is attached at Appendix B . The licensable area plan is attached at Appendix C .
Representations	<p>Relevant representations have been received from three 'other persons'.</p> <p>No relevant representations have been received from any of the responsible authorities.</p> <p>The representations are attached at Appendix D.</p>
Options	<p>1. The Sub-Committee is requested to consider the application for the grant of a premises licence its merits.</p> <p>2. Having had regard to the representation, the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives.</p> <p>The options are:</p> <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 application.

1. Summary of the report

- 1.1 This is an application for a new premises licence for the provision of late-night refreshment and supply of alcohol.
- 1.2 A plan of the premises is attached at **Appendix C**.

2. Application Summary

- 2.1 The premises licence application form has been amended from the original application submitted in response to representations from 'other persons'. The final application which is attached at **Appendix B** describes the premises as: "Forbidden Fruit is envisioned as a refined destination, seamlessly blending the elegance of fine dining with the charm of a cozy desert shop".
- 2.2 The applicant has submitted a copy of their menu and photos of the front and inside of the premises. These are attached **Appendix E**.
- 2.3 The applicant's agent advises that the premises has seating for up to 24 people, but they are looking to add more in the future. The plan submitted states that the seating capacity is 49 people.
- 2.4 **Licensable activities proposed.**
- The Provision of Late night Refreshment
 - Supply of Alcohol

2.5 The times proposed for the carrying out of licensable activities.

The provision of late-night refreshment (indoors only):

- Saturday 23:00 to 00.00
- New Years Eve 23.00 to 01.00

Supply of alcohol (on Sales only):

- Tuesday, Wednesday Thursday 09:00 to 22:00
- Friday 09:00 to 23.00
- Saturday 09:00 to 00:00
- Sunday 09:00 to 22:00
- New Years Eve 23.00 to 01.00

2.6 The proposed opening hours of the premises

- Tuesday, Wednesday Thursday 09:00 to 22:30
- Friday 09:00 to 00:30
- Saturday 09:00 to 00:30
- Sunday 09:00 to 22:30
- New Years Eve until 01.30

2.7 Below are the timings for other licensed premises in the same postcode:

Sainsburys 6 New Parade Church Road Ashford TW15 2UF	Sale of Alcohol every day from 06:00 until 00:00 Late Night Refreshment every day from 23:00 – 24:00	75 foot distance from applicant premises
Select News 5 New Parade Church Road Ashford TW15 2UF	Sale of Alcohol every day from 06.00-23.00	46 foot distance from applicant premises
Tarla Café & Grill 11 New Parade Church Road Ashford TW15 2UF	Sale of Alcohol every day from 08.00-20.00	151 foot distance from applicant premises

2.8 The application has been consulted upon and adverts published in line with the regulations for the Licensing Act 2003. The application was advertised in the Surrey Advertiser on 12 April 2024.

2.9 Details of the application have been published on the Council's website.

3. Promotion of the Licensing Objectives & conditions agreed by applicant.

3.1 Box M of the application form (**Appendix B**) details the proposed steps to be taken by the Applicant to promote the licensing objectives should the licence be granted.

3.2 In response to Representations from ‘other persons’ the applicant has amended their conditions from the original application submitted.

4. Representations

4.1 Representations from Responsible Authorities

4.2 There are no representations from any of the Responsible Authorities.

4.3 Representations from ‘other persons’

4.4 Three relevant representation have been received and are attached at **Appendix D**.

4.5 The grounds for objection are summarised below in relation to each Licensing Objective.

Prevention of public nuisance

- Fear of increased levels of disturbance

Prevention of crime and disorder

- Increase in anti-social behaviour

4.6 On 18 April 2024 the Licensing Authority spoke to the applicant’s agent to advise that representations had been received. The agent replied that his client was happy to meet with the objectors and a new application form was submitted with the removal and live and recorded music. There was also an explanation submitted of what the premises was going to be and this is annexed at **Appendix F**.

4.7 An amended application was sent to the two representees the Licensing Authority had at the time on 22 April 2024. Further to this, the applicant further reduced and amended their application and a copy of the application was sent to all of the representees on 29 April 2024. One representee replied to summarise and this is attached at **Appendix G**.

4.8 A copy of all of the representations was sent to the applicants agent on 1 May 2024. The agent replied to the Licensing Authority on 1 May 2024 advising “our client has decided to stick with the final application and go to hearing.”

4.9 The applicant’s agent has advised “The landlord owns the car park behind them, and they have 1 space allocated to them which the owner or duty manager will be using. They have seating for up to 24 people, but they are looking to add more in the future”.

4.10 Issues which are not relevant to the licensing objectives and cannot be considered by a Licensing Sub-Committee:

- Objections based on the public's need
- Anti-social behaviour beyond the control of the licensee

5. Licensing Policy

5.1 The Sub-Committee must have regard to the Council's own Statement of Licensing Policy when determining this application. The following sections of the Council's Licensing Policy are relevant to this application and are attached at **Appendix H**:

- 16.1 - 16.6 Promoting the Four Licensing Objectives
- 16.7 - 16.23 Prevention of Crime and Disorder
- 16.31 - 16.40 Prevention of Public Nuisance

6. National Guidance

6.1 The Sub-Committee must also have regard to the revised Guidance issued in December 2022 by the Secretary of State under section 182 of the Licensing Act 2003. The following chapters are relevant in the consideration of this application and are attached at **Appendix I**:

- Paragraphs 2.1 – 2.7 Crime and Disorder
- Paragraphs 2.21 – 2.27 Public Nuisance
- Paragraphs 3.1 – 3.2 Licensable activities
- Paragraphs 3.12 – 3.20 – Late night refreshment
- Paragraphs 9.1 – 9.10 Determining Applications
- Paragraphs 9.32 – 9.41 Hearings
- Paragraphs 9.42 – 9.44 Determining actions that are appropriate for the promotion of the licensing objectives.
- Paragraphs 10.1 – 10.13 Conditions attached to premises licences and club premises certificates

7. Making a decision

7.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

7.2 The legal framework from which licensing decisions must be made, consists of the Licensing Act 2003 and regulations, the national guidance issued under section 182 of the Licensing Act 2003, case law, and the Council's own Statement of Licensing Policy.

- 7.3 The Sub-Committee must consider the application, relevant representations, and evidence provided by the parties at the hearing and within the report documentation.
- 7.4 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and the Council's own Statement of Licensing Policy.
- 7.5 The Sub-Committee must give reasons for its decision.
- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 The decision made by the Sub-Committee will be subject to appeal rights to the Magistrates' Court as detailed in section 181 and Schedule 5 of the Licensing Act 2003.

Appendices:

Appendix A – Location Plan

Appendix B – Application

Appendix C - Plan

Appendix D – Representations from other persons

Appendix E – Copy of menu and photo of front and inside of premises

Appendix F – Email from applicant

Appendix G – Email from other person summarising

Appendix H – **Relevant sections of Spelthorne Borough Council's Statement of Licensing Policy 2024-2029, paragraphs**

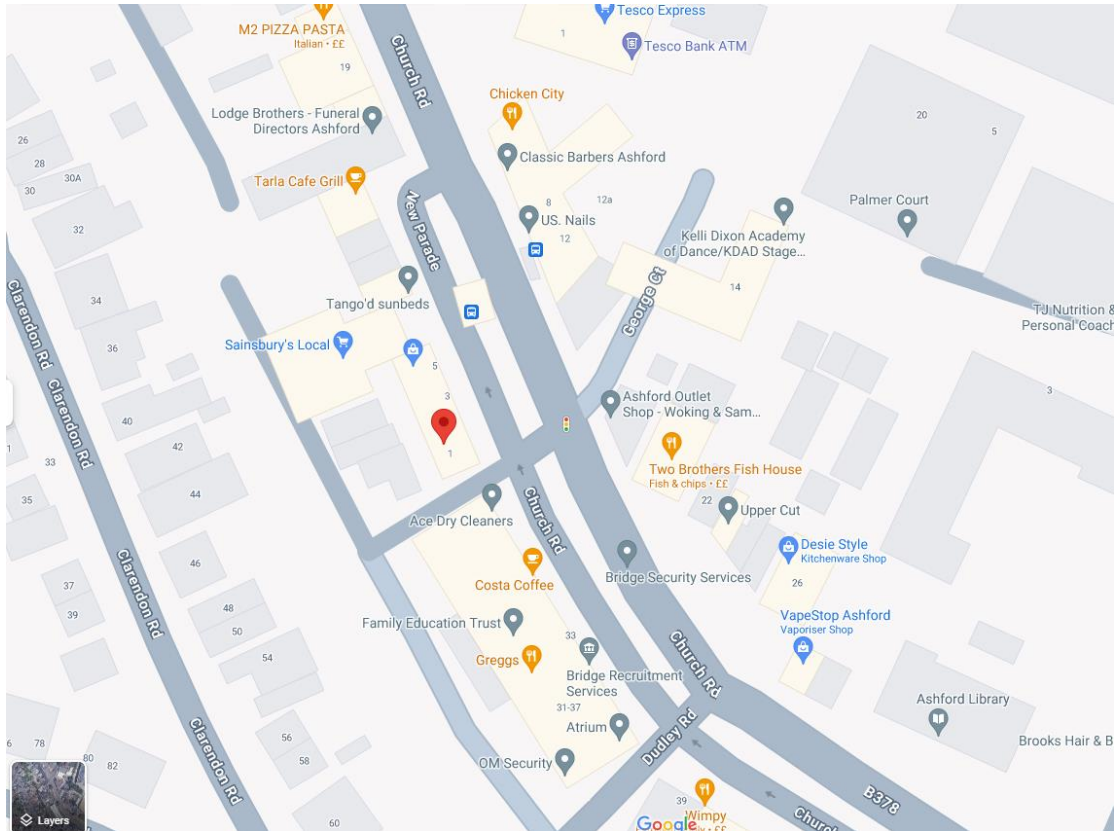
- 16.1 - 16.6 Promoting the Four Licensing Objectives
- 16.7 - 16.23 Prevention of Crime and Disorder
- 16.31 - 16.40 Prevention of Public Nuisance

Appendix I – National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 revised guidance December 2023:

- Paragraphs 2.1 – 2.7 Crime and Disorder
- Paragraphs 2.21 – 2.27 Public Nuisance
- Paragraphs 3.1 – 3.2 Licensable activities
- Paragraphs 3.12 – 3.20 – Late night refreshment
- Paragraphs 9.1 – 9.10 Determining Applications
- Paragraphs 9.32 – 9.41 Hearings
- Paragraphs 9.42 – 9.44 Determining actions that are appropriate for the promotion of the licensing objectives.
- Paragraphs 10.1 – 10.13 Conditions attached to premises licences and club premises certificates

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Appendix A – Location Plan



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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We FORBIDDEN FRUIT RESTAURANT & BAR LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Forbidden Fruit, 2 New Parade			
Post town	Ashford	Postcode	TW15 2UF
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£N/A	

Part 2 - Applicant details

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

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

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name FORBIDDEN FRUIT RESTAURANT & BAR LTD
Address 2 New Parade Ashford Surrey United Kingdom TW15 2UF
Registered number (where applicable) 14702387
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

Forbidden Fruit is envisioned as a refined destination, seamlessly blending the elegance of fine dining with the charm of a cozy dessert shop.

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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



In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) New Years Eve 11pm - 1am		
Sat	23:00				
		00:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue	09:00				
		22:00			
Wed	09:00				
		22:00			
Thur	09:00				
		22:00			
Fri	09:00				
		23:00			
Sat	09:00				
		00:00			
Sun	09:00				
		22:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) New Years Eve 11pm - 1am		

K

<p>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).</p> <p>N/A</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>New Years Eve Till 1:30am</p>
Tue	09:00		
		22:30	
Wed	09:00		
		22:30	
Thur	09:00		
		22:30	
Fri	09:00		
		23:30	
Sat	09:00		
		00:30	
Sun	09:00		
		22:30	

M

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

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

The Premises Licence holder shall make sure that all staff are trained in the main principles of the Licensing Act 2003, notably the promotion of the four licensing objectives, and the specific conditions of this premises licence before being allowed to sell alcohol.

All staff will receive refresher training every six months about their responsibilities under the Licensing Act 2003 and training records will be available to police and authorised officers on reasonable request.

The Designated Premises Supervisor shall co-operate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure the licensing objectives are not undermined.

All on sales of alcohol shall be sold by table service only.

There shall be no vertical drinking at the premises.

b) The prevention of crime and disorder

A CCTV recording system shall be installed, operated and maintained.

The system shall incorporate a camera covering the entrance door and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity.

All CCTV recordings shall be securely stored for a minimum of one calendar month. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public.

This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.

No alcohol shall be supplied if the CCTV equipment is inoperative for any reason.

A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and shall be made available to a relevant responsible authority when called upon.

c) Public safety

All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.

Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority.

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

d) The prevention of public nuisance

Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.

Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled.

The premises' frontage shall be regularly monitored to keep it clean and clear of litter. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

No person shall be allowed to leave the premises whilst in the possession of any open drinking vessel, whether empty or containing any beverage.

Dispersal Policy

Purpose of the policy

- The management of Forbidden Fruit recognises the need for a comprehensive and considered dispersal policy in order to avoid potential disorder and disturbance at the end of the evening. The following policy outlines the steps that the management of Forbidden Fruit put together to minimise the potential risk and ensure a safe, orderly and quiet egress by the customers.
- The management of Forbidden Fruit recognise the importance of clearing the immediate vicinity of the licensed premises at the end of the evening making sure that all our customers leave without causing disturbance or any other disorder.

Responsibilities

- The duty manager will ensure that this policy is adhered to inside the premises and in the immediate vicinity of the premises.
- The duty manager will be on duty to supervise the dispersal at the end of the evening
- The management will constantly monitor the implementation of this dispersal policy, a log will be kept in order to identify any weaknesses and recommendations in regard to future training or implementation requirements.
- Any person identified as not conforming to the dispersal policy or not following instructions will be verbally warned and this will be entered in the incident book. A second occurrence by this person will result in them being refused entry into the venue in the future.

Policy

- Customers are forbidden from taking alcohol or glassware off the premises. This will be indicated by both clear signage near relevant exits and staff announcements. Staff on duty will have particular responsibility for ensuring that no alcohol or glassware leaves the premises.
- The bar will stop serving 30 mins prior to closing and customers will be encouraged to leave the venue gradually over the 30 min period and not herded out when all licensable activity ceases.
- There will be free tap water available to any customer who requires it during the 30 min period prior to closing.

- Customers will be asked to respect the neighbours and leave the venue in a quiet and responsible fashion. This will be indicated by clear signage by relevant exits.
- Any customers found loitering outside the premises will be asked politely to leave quietly. This will be done to ensure a swift and efficient dispersal of the area to ensure that local residents are not disturbed.
- Customers will be encouraged to wait inside for a taxi, and, offered water while waiting.
- Staff will be familiar with local public transport links and last times for buses, tubes and trains and will be able to advise customers prior to them leaving the venue.
- Details of taxi services will be available to customers, either by the availability of leaflets, or business cards.
- The venue will establish a relationship with a local taxi provider in order to provide customers leaving the venue a safe and convenient service. The taxi providers will be asked to enter the venue to collect their fares to prevent nuisance.
- The Duty Managers contact number and email address will be displayed at the front of the premises for local residents to get in contact with any issues.
- If staff are required to contact the authorities, all incidents will be logged in accordance with the venue's policies and the terms of its license.
- The premises licence holder or the designated premises supervisor will attend pubwatch meetings for the area to engage with other local businesses to ensure safety of the community.
- All Staff will receive training with regards to this policy which will be fully documented.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' logo.

Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance.

All occasions when persons have been refused service shall be recorded in the premises daily register.

The premise licence holder or Designated Premises Supervisor shall ensure that all management and staff who are not personal licence holders are fully trained and briefed on the four licensing objectives and Challenge 25 and they are adhered to.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.

- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
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Signature	<i>Stephen Bartlett</i>
Date	25/03/2024
Capacity	Duly Authorised Agent

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Innpacked Ltd Suite F8 10 Whittle Road Ferndown Industrial Estate			
Post town	Wimborne	Postcode	BH21 7RU
Telephone number (if any)	01202 890030		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) PREMISESLICENCE@INNPACKED.COM			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where

your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - 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.

- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. 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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued 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 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

Home Office online right to work checking service

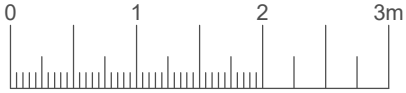
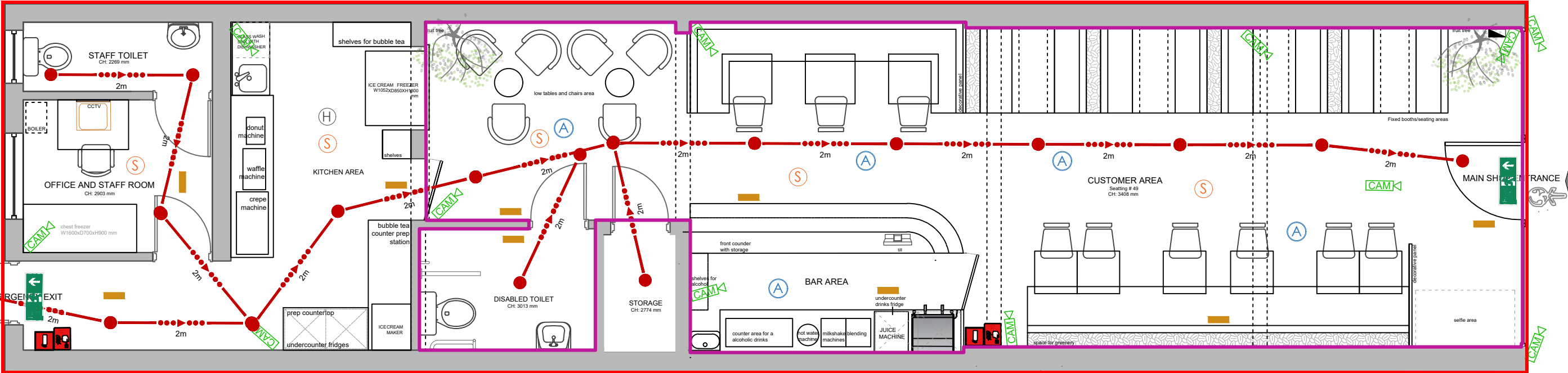
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

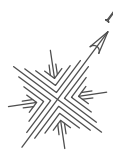
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Proposed Ground Floor Plan
SCALE 1:60 @ A3



- General notes:**
1. Technical specifications or specific instructions on drawings take precedence over these notes.
 2. Scaling permitted for planning purposes only.
 3. Unless noted otherwise, all dimensions are in millimetres (mm) and all levels are in metres (m).
 4. Details dimensions and levels to be checked on site by the contractor prior to commencement of works. Any works commenced prior to all necessary local authority approvals are entirely at the risk of the owner and contractor.
 5. Set out dimensions and levels shown on the drawings shall be verified by the contractor and refer to architectural drawings. The engineer shall be notified of any discrepancies prior to construction.
 6. Structural details are subject to exposure of existing construction and verification by Local Authority Surveyor (LAS) and any necessary revised details are to be agreed with the LAS prior to carrying out the affected works.
 7. All materials are to be used in accordance with the manufacturers' guidelines and all relevant British Standards Codes of Practice & Regulation 7 of Building Regs.
 8. All works are to be carried out in accordance with Local Authority requirements.
 9. The intended works fall within the Party Wall Act 1996 and any adjoining owners affected must be notified prior to commencement of any works.
 10. Thames Water Authority permission to be obtained if building over or adjacent to sewers within 3 metres. (Tel: 08459 200 800)
 11. No part of the extension to project into adjoining boundary lines.



FIRE PRECAUTIONS

This drawing is indicative only. Refer to specialist Electrical Non-Construction draw logs and specifications for full details of the alarm system and product etc. All the work done to be constructed in accordance with BS 4743 Part 22 for the British Standard in force when the draw was manufactured.

All the doors and flat and doors through which a person may have to pass on their way out of the premises to see if the alarm has been initiated and maintained they can be easily and immediately opened from the inside without the use of the key.

Exit other than those in normal use for signs should be marked and readily visible so that the occupants of the building can clearly and readily see where the exits are and where to go in an emergency at any time. The safety signs and notices to comply with the relevant requirements of BS 5499 - Part 1 - 1999.

ONE HOUR FIRE PROTECTION MUST BE PROVIDED TO COMPLY WITH BUILDING CONTROL.

Licensable Area

Key: Licensable Area

LEGEND:

[Symbol]	FIRE ALARM PANEL	[Symbol]	FIRE ALARM CALL POINT
[Symbol]	SINGLE SWITCHED WALL SOCKET	[Symbol]	EXTINGUISHER & FIRE BLANKETS
[Symbol]	DOUBLE SWITCHED WALL SOCKET	[Symbol]	TV Aerial POINT
[Symbol]	SINGLE SWITCHED WALL SOCKET	[Symbol]	IMMERSION HEATER AND THERMOSTAT
[Symbol]	DOUBLE SWITCHED WALL SOCKET	[Symbol]	MECHANICAL EXTRACT FAN
[Symbol]	SINGLE SWITCHED FUSE UNIT	[Symbol]	DOOR BELL PUSH
[Symbol]	DOUBLE SWITCHED FUSE UNIT	[Symbol]	DOOR BELL CHIME
[Symbol]	DOUBLE SWITCHED FUSE UNIT AT HIGH LEVEL FOR EXTRACT FAN	[Symbol]	THERMOSTAT
[Symbol]	DOUBLE SWITCHED FLOOR SOCKETS	[Symbol]	SECURITY ALARM
[Symbol]	1 GANG LIGHT SWITCH	[Symbol]	CONSUMER UNIT
[Symbol]	2 GANG LIGHT SWITCH	[Symbol]	TELEPHONE POINT
[Symbol]	3 GANG LIGHT SWITCH	[Symbol]	CAT 5 or 6 DATA SOCKET
[Symbol]	4 GANG LIGHT SWITCH	[Symbol]	COOKER SWITCH
[Symbol]	5 GANG LIGHT SWITCH	[Symbol]	MECHANICAL EXTRACT FAN
[Symbol]	6 GANG LIGHT SWITCH	[Symbol]	COOKER HOOD
[Symbol]	7 GANG LIGHT SWITCH	[Symbol]	COOKER HEAT DETECTOR AND FIRE ALARM SOUNDER
[Symbol]	8 GANG LIGHT SWITCH	[Symbol]	COOKER OVERTEMPERATURE DETECTOR AND FIRE ALARM SOUNDER
[Symbol]	9 GANG LIGHT SWITCH	[Symbol]	ALCOHOLISM
[Symbol]	EXTERNAL LIGHT	[Symbol]	RADIATOR
[Symbol]	EXTERNAL LIGHT - BLAUWADD TYPE	[Symbol]	CAT 5E
[Symbol]	EXTERNAL LIGHT - PENDANT HOLDER 6 INCH	[Symbol]	2 CORE SPREADER CABLE
[Symbol]	EXTERNAL LIGHT - PENDANT HOLDER 8 INCH	[Symbol]	UNDERFLOOR HEATING MANIFOLD
[Symbol]	EXTERNAL LIGHT - BATTEN HOLDER	[Symbol]	FIRE EXITS
[Symbol]	ELECTRICAL - SECURITY CAMERA	[Symbol]	CCTV
[Symbol]	EMERGENCY LIGHT		

Design 1 2 1

Eagle House 163 City Road,
London, EC1V 1NR

Job:
Forbidden Fruit

Address:
2 New Parade, Church Road, Ashford, Surrey, TW15 2UF

Client:
Tinashe Chiwakata

Title:
Fire Safety/ License Plan

Stage:
Proposed Plans

Org No: 0016 **Drawn by:** EAV

Scale: 1:60 @ A3

GENERAL NOTES:
Drawings To Be Read In Conjunction With Relevant Drawing And Specs.
All Dimensions To Be Checked On Site.
Contractor To Check Site Thoroughly & Report Any Discrepancies.
No Responsibility Will Be Taken For Works Which Are Unforeseen And For Any Subsequent Alterations Made Which Are Beyond The Control Of The Agent.
This Drawing Shall Not Be Used For Building Regulations And / Or Construction Purposes.

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Appendix D

REPS:

Celine James

I write in reference to the licensing application for the aforementioned premises.

There is currently considerable concern amongst local residents regarding the perceived increase in ASB in Ashford high street. I am concerned that the extension of an alcohol and music license beyond normal licensing hours will lead to a localised increase in ASB and noise nuisance. The premises will be the only place in the local area that has such relaxed licensing hours and is likely to result in a concentration of persons seeking out a late night alcoholic drink.

Additionally, there is no provision for people to smoke/vape in a private area within the curtilage of the premises. It is highly likely that smokers/vapers will congregate around the side/rear of the premises where the management will have no control over their activities. If a late night licence is granted this is likely to adversely impact on local residents, including those in Clarendon Road..

Yours faithfully,

Celine James

Maria Christmas

I am writing to advise of my strong objection regarding the above application for an alcohol and live music license.

As a resident who lives directly behind the premises on Clarendon Road, my serious concern with this application is in relation to the impact this will have on all residents who live behind the premises in question.

Given the ongoing issues we are already facing regarding the rise of anti social behaviour on Ashford high street (Church Road) - there have been a number of incidents which have occurred in the car park directly behind New Parade. Currently the issues we are facing are with loud music from cars parked late at night, the use of drugs, gas canisters and drinking. Should this license be approved - I dread to think what the residents will be faced with, I can only assume the situation would escalate further. With this in mind, the disruption to residents would only bring immense misery - not to mention sleepless nights!

This application for a late night alcohol license and live music until 1am is not suitable for this residential area and should not be permitted.

I have contacted our local councillors regarding this matter as there have already been a number of incidents of anti social behaviour, alcohol and drug related problems in the car park. I also understand that the new Police Inspector at Staines, Matthew Walton is aware of these issues and has agreed to provide additional night patrols. If the case is such, that the residents are already having to put up with all these goings on, how can this license be granted? This will only add fuel to the fire placing the already stretched police services and council officers under strain.

Appendix D

I have liaised with several of the neighbours in Clarendon Road regarding this matter and a number of them will also be lodging their objections to this application. We all have a right to be able to reside in our homes without disruption that could potentially cause a lot of unrest and misery affecting our wellbeing.

Kind regards

Maria Christmas

Councillor Olivia Rybinski

Dear all,

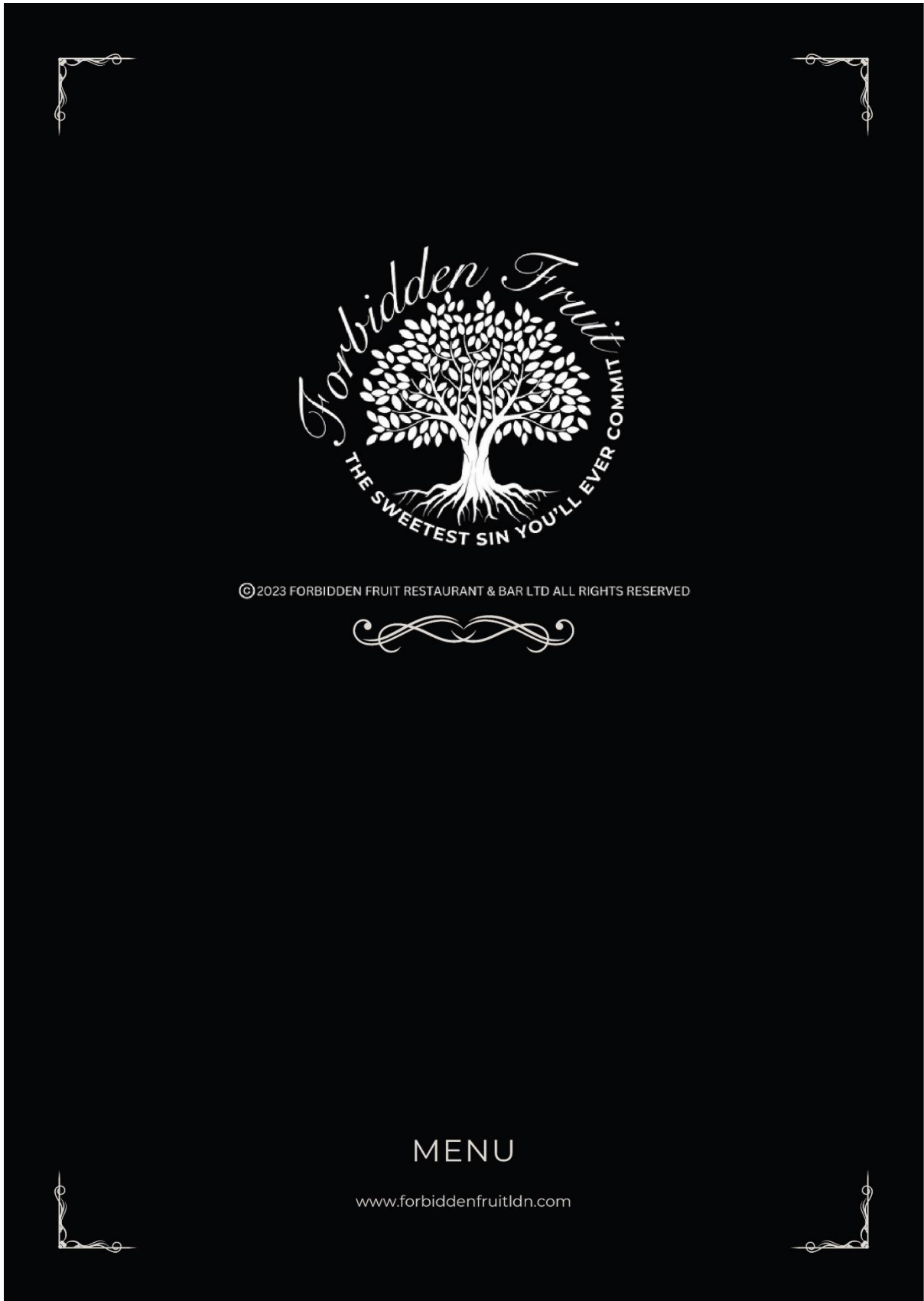
I write to raise objection following communication from residents regarding the above application. The concern is based on the rise anti social behaviour on Ashford high street, this has made the local news and residents feel that a late night alcohol license will only encourage more similar behaviour. The application for late night alcohol is not suitable for this quiet, family orientated high street and does not have a "night life". Ashford has many families and the increase in anti social behaviour has worried residents. Alcohol can fuel further anti social behaviour. This will put a strain of police services and council officers.

The car park behind this application, which backs onto Clarendon Road has had increasing amounts of youths and flytipping which is negatively affecting the area. The Police are aware of this. Small groups are gathering in the car park and causing noise and mess. Residents are concerned that a late night bar will make this worse.

Kind regards,

Councillor Olivia Rybinski
Ward Councillor for Ashford Town
Conservative


Spelthorne Borough Council,
Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB
Tel: 07912106081






AMERICAN PANCAKES

SERVED WITH WHIPPED CREAM/ GELATO & A SAUCE OF YOUR LIKING. THE CHOICE IS YOURS.

Fruit Infusion  **£10.00**
Mouthwatering fruit infused pancakes that will leave your heart melting.

- Strawberry Sensation
- Blueberry Bliss
- Cherry Popper

Cookie Infusion  **£9.50**
Bringing you a delightful blend with a fluffy centre & crisp finish.

- Oreo Overload
- Biscoff Baddy

Candycake  **£10.00**
Melt in your mouth candy floss pancakes served with a beautiful surprise.

Classics 
• Strawberry & Cream
• Maple Madness **£9.00**
• (Oreo) Cookies & Cream

VIVA LOS TACOS  **£12.50**
Inspired by the original Mexican dish, our chef is bringing you a delight of sensational flavours.
• Sweet Cherry, Strawberry & Pineapple w/ A Drizzle of Syrup Topped of with fresh cream.





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Fruit Infusion  **£10.00**

Mouthwatering fruit infused waffles that will leave your heart melting.

- Strawberry Sensation
- Blueberry Bliss
- Cherry Popper

Cookie Infusion  **£9.50**

Bringing you a delightful blend with a fluffy centre & crisp finish.

- Oreo Overload
- Biscoff Baddy

Candy Floss Surprise  **£9.00**

Melt in your mouth candy floss pancakes served with a beautiful surprise.

Classics  **£9.00**

- Strawberry & Cream
- Maple Madness
- (Oreo) Cookies & Cream
- Biscoff





CROFFLES

A DELIGHTFUL FUSION OF A CROISSANT AND A WAFFLE, RESULTING IN A CRISPY, FLAKY EXTERIOR WITH A SOFT, FLUFFY AND BUTTERY INTERIOR. SERVED WITH GELATO AS WELL AS A SILKY SMOOTH SAUCE AND A SURPRISING TOPPING, THIS IS A TRULY PERFECT BLEND OF SWEET AND SAVOURY FLAVOURS THAT WILL SURELY TANTALISE YOUR TASTE BUDS.

Royal Green 🌱

£11.50

- w/Pistachio Chocolate Sauce, Chocolate Shavings & Pistachio Gelato

Pink Kiss 🌱

£11.50

- w/Ruby, Strawberry & Hints of Candy-floss Sauce, Chocolate Shavings & Strawberry Gelato





WHEN ONE SIMPLY CAN NOT DECIDE ON ONE THING, THE ONLY SOLUTION IS TO INDULGE IN ALL THAT IS FORBIDDEN.

PLATTERS

All In One Platter 🍷

£15.00

- Pancake, Brownie & Waffle Bites w/ marshmallows, Strawberries as well as white & Milk Chocolate Sauce

Family Platter (4) 🍷

£35.00

- This Is Truly a forbidden family feast for all to indulge in. Each member shall receive a portion of Pancake, Brownie & Waffle Bites w/ marshmallows, Strawberries as well as white & Milk Chocolate Sauce






(CREATE YOUR OWN)**

CHOOSE YOUR BASE AND SELECT 3 TOPPINGS THAT YOUR HEART DESIRES. COMPLIMENTARY GELATO OR WHIPPED CREAM W/MAPLE SYRUP INCLUDED.

PANCAKES	WAFFLES	CONES	SUNDAE	COOKIE DOUGH	VIVA LOS TACOS
					
£11.50	£11.00	£3.50	£6.50	£8.50	£13.50
					

FRUIT BOWL   **£5.50**

3 selected fruit of your choice served w/a sauce and topping of your choice

FRUIT   **£2.00**

- Honey Dew Melon •Strawberries •Mango •Blueberries
- Banana •Sweet Cherry •Berry Blitz •Pineapple

TOPPINGS  **£1.50**

- Marshmallows •Candy Floss •Oreo Cookie Crumbs •Biscoff Crumbs
- Bueno Bites •Ferrero Rocher •Brownie Bites
- Whipped Cream •White Chocolate Flakes •Chocolate Flake
- Madagascan Custard

SAUCES  **£1.00**

- Candy Floss Chocolate •Biscoff •Ruby Chocolate •Pistachio Chocolate
- Salted Caramel •Strawberry Chocolate •White Chocolate
- Reese's Peanut Butter •Blue Bubblegum Chocolate
- Maple Syrup •Grape Jelly





CAKE & MORE

CAKE 🍷	£4.50
<ul style="list-style-type: none"> • Double Layered Chocolate Cake • Pistachio Cake • Red Velvet • Queen Vic Luxury Sponge • Lemon & Blueberry Dream • Carrot Cake 	
NEW YORK CHEESECAKE 🍷	£5.00
MAPLE PECAN PIE 🍷	£5.50
HOMEMADE APPLE CRUMBLE CAKE 🍷	£7.50
<p>Served with classic Madagascan Custard & Gelato no wonder this hidden gem is Highly Recommended by our Chef! P.s. The surprise is worth every penny.</p>	
DOUBLE CHOCOLATE BROWNIE 🍷	£6.50
<p>Served with warm Madagascan custard/ Gelato with Sauce.</p>	
CREME BRÛLÉ 🍷	£6.50
COOKIE DOUGH 🍷	£7.50
<p>Served w/Fresh Cookie Dough, Gelato and Sauce</p>	
<ul style="list-style-type: none"> • Cookie Dough • Smares Delight (Marshmallow Infusion) 	
	+£1.50





GELATO & SORBET

£2.00



£3.50



£5.00



Indulge & experience a symphony of flavours of our artisanal gelato, crafted with the finest ingredients and traditional Italian techniques. For a refreshing dairy free twist, why not savor our vibrant sorbets, made with ripe, sun-kissed fruits that will transport your taste buds to paradise. Treat yourself to a scoop (or three) of pure bliss.

GELATO: 

- Cherry Amarena •Biscotto •Chocolate •Honeycomb •Mint Chocolate •Oreo •Pistachio •Sea Salted Caramel •Strawberry Cheesecake •Vanilla •Bubblegum •Candy Floss •Cookie Dough •Banana

SORBET:  

- Mango •Cola •Strawberry •Raspberry •Prosecco & Strawberry



Appendix E





Appendix E



<https://www.forbiddenfruitldn.com/>

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Appendix F

From: Catlyn, Lucy
Sent: Thursday, April 25, 2024 11:05 AM
To: Licensing
Cc: Committee Services; Catlyn, Lucy
Subject: forbidden Fruit

Hello

I have spoken to the agent further and they have advised that their client has asked to reduce the hours applied for to the below:

- Late Night refreshment Saturday 23.00-00.00 – Indoor only.
- Late night refreshment New Years Eve 23.00-01.00 – Indoor only.

Alcohol on the premises – Tuesday-Thursday 09.00-22.00

- Alcohol on the premises Friday 09.00-23.00
- Alcohol on the premises Saturday 09.00-00.00
- Alcohol on the premises Sunday 09.00-22.00
- Alcohol on the premises news years eve 23.00-01.00

Please can you confirm you still wish to go ahead with your representation or if you now wish to withdraw it?

A licensing sub committee will be convened if agreement cannot be sought between yourself and the applicant.

Thanks

Lucy

Lucy Catlyn
Principal Licensing Officer
Environmental Health and Licensing

From: Catlyn, Lucy
Sent: Monday, April 22, 2024 1:32 PM
To: Licensing
Subject: Representation Forbidden Fruit

Hello

We have been contacted by the agent in response to the representations raised. They have asked that we forward the updated premises licence application and the dispersal policy which they are offering as conditions which would get added to the premises licence if it was granted.

Appendix F

For clarification the timings for licensable activity are:

- Late night refreshment Friday 23.00-00.00 – Indoor only.
- Late Night refreshment Saturday 23.00-01.00 – Indoor only.
- Late night refreshment New Years Eve 23.00-01.00 – Indoor only.

- Alcohol on the premises – Tuesday-Thursday 09.00-22.00
- Alcohol on the premises Friday 09.00-00.00
- Alcohol on the premises Saturday 09.00-01.00
- Alcohol on the premises Sunday 09.00-22.00
- Alcohol on the premises new years eve 23.00-01.00

Whilst there is no regulated entertainment, they would still be able to have music until 11pm under deregulation.

They also have asked me to say the below, please can we have your comments:

I have spoken to our client and he is more than happy to meet with the objectors at the premises to show them round and talk about his venue. I have also put below his description about the premises and attached the redacted application form with the conditions and timings of what we are applying for now we have removed live and recorded music.

Forbidden Fruit, a distinguished establishment poised to enrich the culinary and cultural landscape of Ashford Town. Forbidden Fruit is envisioned as a refined destination, seamlessly blending the elegance of fine dining with the charm of a cozy dessert shop. Our offerings include a tantalising array of breakfast delicacies, delectable desserts, and indulgent afternoon teas, complemented by a curated selection of light alcoholic beverages. We are committed to upholding the highest standards of quality and service, setting a new benchmark for culinary excellence in our community. In alignment with our commitment to fostering an atmosphere of sophistication and refinement, we will implement a strict dress code for all guests, ensuring adherence to smart casual attire standards. This policy, which prohibits hats, hoodies, and trainers, is essential to maintaining the ambiance and integrity of our establishment. Furthermore, we aspire to elevate Ashford Town onto the global stage by pursuing the prestigious Michelin Star accolade, a testament to our dedication to culinary innovation and excellence. We are driven by the belief that achieving this distinction will not only enhance our reputation but also contribute positively to the economic and cultural vitality of our community. We are confident that Forbidden Fruit will be a valuable addition to the vibrant tapestry of businesses in Ashford Town, contributing to its allure as a destination for culinary and cultural enthusiasts alike. We eagerly anticipate the opportunity to bring our vision to life and humbly request your favourable consideration of our premises license application.

If you could kindly pass this on to the residents and let them know to contact us on premiseslicence@innpacked.com or 08000 786 056 if they would like to arrange a time to visit the premises and meet the owner.

Thank you
Lucy

Lucy Catlyn
Principal Licensing Officer
Environmental Health and Licensing

Appendix G

From: Maria Christmas <>

Sent: Tuesday, April 30, 2024 9:16 AM

To: Licensing <licensing@spelthorne.gov.uk>

Cc: Rybinski, Olivia (Councillor) <cldr.rybinski@spelthorne.gov.uk>; Woodward, Paul (Councillor) <Cllr.Woodward@spelthorne.gov.uk>

Subject: Re: Forbidden Fruit - Summary of concerns

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Dear Mr Sokhey

In response to your email below, having spoken to the neighbours who live on Clarendon Road which is situated directly behind the premises and it's car park (Grove House car park), I would like to summarise our main concerns once again for consideration.

With regards to the requested opening hours for Friday and Saturday evenings, this causes us the biggest concern. Having experienced anti social behaviour (in particular the use of gas canisters banging) and disruption with loud music late into the nights and car revving engines in the car park, it is felt that if the establishment is permitted to extend beyond the normal public house licence times we will have an significant increase of disruption.

I note in the revised application the request is made for a 00.30hrs closing time, this for residents residing so close to the premises is unacceptable due to the concerns outlined above.

It is felt that the hours should be in keeping with all other establishments (such as M2 pizza restaurant) along the high street in order to try and minimise alcohol induced anti social behaviour.

I also note that the application states The duty manager will be responsible for dispersal of clientele upon closure - this clearly states this is for the front of the premises only. So my question is who will take responsibility at the rear in the car park and side road - this is where much of the after hours gatherings take place?

Please understand from our collective perspective, many of us have children who are being disrupted and kept awake at night, some with teenagers who are approaching or undertaking exams, so to have this kind of noise late into the night is really unfair.

I think there is a feeling in general that nothing can be done to stop this going ahead since there is a precedent in situ on the high street where by establishments already sell alcohol. It is not that we do not want businesses to progress and thrive, however, there must be a balance between what sits right on a small, very residential high street and the well being and care for the community, specifically where children's health and schooling is potentially at risk.

I have made all these concerns known to Cllrs: Woodward and Rybinski on behalf of many of the residents in the road and can only hope that our concerns and issues are considered by all at the hearing.

Appendix G

Kind regards
Maria Christmas

Sent from my iPhone

On 29 Apr 2024, at 14:53, Licensing <licensing@spelthorne.gov.uk> wrote:

Good Afternoon

Please find attached amended application form with additional conditions and amendments to licensable activities and hours. Please can we have your comments if you still want to go ahead with your representation please? Tomorrow is the last date for reps so no more information will be taken into account following this.

If you have not provided your address, then please send this via return email.

Thanks
Sandeep

Sandeep Sokhey
Business Support Officer
Licensing & Environmental Health

16 Promoting the Four Licensing Objectives

- 16.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 16.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment, which can then be used to form the basis of the operating schedule.
- 16.3 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 16.4 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 16.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.
- 16.6 Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence, or both.
- 16.7 **Prevention of Crime and Disorder**
- 16.8 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.

Appendix H

- 16.9 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 16.10 It is recognised that late night takeaways can be the focus of anti-social behaviour, and in Staines Town Centre the use of CCTV, licensed door supervisors at peak times, and signing up to the town centre radio may be considered necessary to address this.
- 16.11 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 16.12 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 16.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 16.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.
- 16.15 **Crime and Disorder risks**
The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants should consider (where relevant) when preparing their operating schedule. We also expect licence holders to consider the same risks and review their current procedures if necessary:
- a) **crime and disorder near the premises:** this may include the risk of crime and disorder arising from persons queuing to enter the premises, persons exiting the premises and customers smoking, eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
 - b) **crime and disorder in the premises:** drugs, psychoactive substances, weapons and violence.

- c) **event type:** in some cases, the type of regulated entertainment proposed could increase the possibility of violence and/or disorder occurring in, or near, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and share these with us, in some cases, to provide such risk assessment to the police licensing team before the event is agreed.
- d) **the risk associated with selling alcohol for consumption on or off the premises:**
 - 1. what measures are necessary to prevent underage or proxy sales? Proxy sales are when a person who is 18 years or older buys alcohol for a person who is underage.
 - 2. what measures are necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
 - 3. whether there are procedures in place to prevent sales of alcohol to intoxicated persons (with attention to street drinkers).
- e) **licensed premises and late-night refreshment:** applicants and licence holders should demonstrate they have assessed the risk of intoxicated persons congregating in large numbers near their premises. Where appropriate, applicants and licence holders should demonstrate suitable measures to address this problem.
- f) **premises environment:** applicants and licence holders should consider the physical environment of the premises and have regard to issues that could increase the likelihood of customers becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity

16.16 Measures to address crime and disorder risks

In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures and issues that we consider may be relevant to licence applications. We also expect licence holders to consider the same issues and measures, and review their current procedures if necessary:

- a) alternatives to glass: restricting the use of glass bottles and drinking vessels to customers in preference for containers made from soft and environmentally friendly materials, polycarbonates, shatterproof or toughened glass that comply with weights and measures legal requirements.
- b) CCTV: using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the ongoing maintenance and operation of such systems.

Appendix H

- c) dispersal procedures: establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- d) dealing with and reporting crime and disorder: training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- e) door staff: considering the use of Security Industry Authority (SIA) registered door staff and the appropriate number of door staff for the premises.
- f) drinks promotions: adopting policies to discourage excessive drinking. This might include adherence to good practice guides and industry codes on drinks promotions such as happy hours, buy one get one free and so on, in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.
- g) drugs, psychoactive substances and weapons: applicants should pay attention to search procedures, procedures for the safe storage and surrender of seized drugs, psychoactive substances and weapons and consideration given to adoption of a "zero tolerance" policy in this area.
- h) incident and occurrence book: keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- i) promotion/event risks: ensuring compliance with guidance from the police relating to specific event risk assessments for externally promoted live music events well in advance of the event.
- j) excessive drinking: training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, to reduce the likelihood of fights or aggressive behaviour.
- k) getting home safely: providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including licensed taxis and private hire vehicles (mini-cabs).
- l) local schemes: joining and attending meetings of the local Pubwatch.

- m) overcrowding developing policies and procedures regarding capacity to prevent overcrowding and customers becoming aggressive
- n) prevention of theft: using bag hooks and signage to warn customers of pickpockets and bag snatchers
- o) queue management: establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage customers in the queues to minimise the potential for crime and disorder
- p) sales for consumption off the premises: applicants should consider:
 - 1. using shutters to prevent alcohol from being selected in non licensed periods
 - 2. having appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol
 - 3. restricting the sale of high strength beer/drink promotions
 - 4. using an incident and occurrence book to record incidents

16.17 **Drugs**

Recognising that drug misuse is not an issue in all licensed premises, the Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises.

- 16.18 Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the licence, the Licensing Sub-Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Secretary of State's Guidance. The Licensing Authority recognises that each case must be decided on individual facts and its specific merits.

16.19 **Drink Spiking**

Drink 'spiking' is when alcohol or drugs are added to someone's drink without their knowledge. Spiking a drink is illegal and subject to high maximum sentences if a person is found guilty. The UK has seen a rise in the incidences of spiking in licensed premises.

We expect applicants and licence holders to consider the risk associated with spiking on their premises and recommend that measures to deal with his risk are included within their existing drug policies.

16.20 Psychoactive Substances

The UK has seen a rise in new substances and products that mimic the effects of traditional drugs such as cannabis, cocaine, amphetamine and ecstasy. The Psychoactive Substances Act 2016 came into effect in May 2016 and bans these substances.

16.21 We expect applicants and licence holders to consider the risk associated with psychoactive substances on their premises and recommend that measures to deal with his risk are included within their existing drug policies or a separate psychoactive substances policy.

16.22 Outside drinking

Some premises may wish to supply alcohol for consumption in an outside area such as a beer garden or on the pavement adjacent to the premises. In such circumstances, we expect applicants to include all outside areas within their proposed plan, and to consider the risk associated with outside drinking and include measures in their operating schedule to uphold the licensing objectives. We also expect licence holders to exercise control over their customers, particularly in instances where the outside drinking takes place on the pavement to which the public has access. If the licence holder fails to exercise such control, we may take enforcement action and apply to review the premises licence.

16.23 Where premises wish to place tables and chairs on the public highway adjacent to their premises, the person responsible for the premises, must obtain a pavement licence. Further information is available on our website.

16.31 Prevention of Public Nuisance

16.32 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.

16.33 Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.

16.34 Potential causes of public nuisance

We expect applicants to consider the following non-exhaustive list of risks associated with the public nuisance licensing objective when preparing their operating schedule:

- a) amplified music: noise from music played on the premises.
- b) customer noise: this takes many forms, but the following are of concern:
 - 1) customers queuing to enter or leave the premises
 - 2) customers loitering outside the premises waiting for transport
 - 3) alcohol-related drunken behaviour and shouting
 - 4) customers eating, drinking, or smoking in external areas such as beer gardens, forecourts, and other open areas adjacent to the premises
 - 5) car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises

Appendix H

- c) litter: where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and/or clearing it up
- d) noise or vibration escaping the premises: we will be particularly concerned with premises located close to noise sensitive properties who propose to provide music and entertainment. We encourage applicants to supply an acoustic report confirming there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises
- e) plant and equipment: applicants should demonstrate that plant and equipment (air handling units, ventilation/extraction ducting and other equipment) is suitable and enough for the purpose intended without causing nuisance to residents by way of noise, odours or vibration
- f) people entering and leaving the premises: whether consideration has been given to possible public nuisance issues caused by customers and staff entering and leaving the premises. We will pay regard to queuing arrangements and arrangements for the orderly dispersal of customers
- g) customers smoking, eating and drinking in outdoor areas and on the highway outside the premises: possible measures that may address this issue include:
 - 1. providing prominent signage asking customers to keep noise to a minimum when using outdoor areas
 - 2. restricting the number of customers permitted in certain outside areas and/or at certain times
 - 3. using door supervisors and employees to monitor public nuisance issues
 - 4. not allowing customers who are smoking to take drinks outside with them
 - 5. restricting the use of external areas at a certain time
 - 6. removing furniture from smoking areas or preventing it's use after a certain time to discourage smokers from loitering outside the premises
 - 7. locating smoking areas away from residential premises
 - 8. using portable ashtrays to prevent cigarette litter
 - 9. only allowing seated customers to use external areas that are authorised to be used by a tables and chairs licence
- h) queuing: an effective door and queuing policy to encourage good behaviour outside the premises. This might include training for door staff to deal with conflict and drunkenness

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- 6) use of external play equipment and noise from children using the provided facilities.
- c) deliveries: deliveries outside daytime hours, especially early morning and late evening or night
- d) collections: early morning and late night clearing up and collection of waste. We are particularly concerned about the noise associated with the movement and collection of glass waste as this may cause significant noise nuisance and can be heard over a wide area
- e) lighting: excessive artificial lighting near licensed premises
- f) litter/waste: litter and waste generated by the carrying out of licensable activities, for example, food wrappers and cigarette butts
- g) obstruction: customers blocking footpaths when eating, drinking and smoking near to the premises
- h) plant and machinery: noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

6.35 It is recommended that operating schedules contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants should provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

6.36 Measures to address Public Nuisance:

We expect applicants to consider the following non-exhaustive list of measures/issues in their operating schedule:

- a) deliveries: ensuring arrangements are in place to prevent unreasonable disturbances caused by delivery of goods and services to the premises
- b) collections: ensuring arrangements are in place to prevent unreasonable disturbances caused by collections, especially of glass waste. For example, these collections could be restricted so that they only take place at certain times, such as Monday to Saturday 08:00 to 20:00 and Sunday 10:00 until 20:00

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- i) signs: signs encouraging customers to leave the area quietly, to minimise rowdy behaviour whilst waiting for transport and to minimise nuisance and/or disturbance to residents
- j) vehicles: whether there are measures to reduce the impact of customers and staff parking vehicles in the vicinity of the premises and measures taken to minimise noise generated by other vehicles attending the premises, for example taxis and minicabs
- k) A simple requirement to keep doors and windows at the premises closed when music is being played
- l) Limiting amplified music to a particular area of the building
- m) Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
- n) Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- o) Fitting self-closing devices on doors so that they do not stay open.
- p) Monitoring noise levels at the perimeter of premises and taking action to reduce the volume if it is likely to disturb nearby neighbours, e.g. it could be too loud if the words of the song are clearly audible
- q) Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)

16.37 There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers.

16.38 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device may have to be given.

16.39 Conditions may be necessary to ensure that licensed premises are properly vented to prevent odours causing a nuisance to people who live or work nearby.

16.40 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

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.

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- 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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.
- 2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:
- Putting alcohol into someone's drink without their knowledge or permission
 - Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
 - Injecting another person with prescription or illegal drugs without their knowledge or permission
 - Putting prescription or illegal drugs into another person's food without their knowledge or permission
 - Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

Public nuisance

- 2.21 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.
- 2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.24 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.
- 2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise

emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.26 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.
- 2.27 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.

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.

Late night refreshment

- 3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or hot drink at any time from 23.00 and until 05.00. 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 takeaway is handed to a customer over the counter.
- 3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 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.
- 3.15 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.
- 3.16 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.
- 3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 3.18 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.
- 3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.34 below for more detail on provisions for 'Vessels, vehicles and moveable structures').
- 3.20 Supplies of hot food or hot drink from 23.00 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 of a particular employer (for example in 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.

9. Determining applications

General

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

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who may replicate some of the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

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

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

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the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from a responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

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- 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:

9.38.1 The extent to which the applicant is likely to comply with the licensing objectives.

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- 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 the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional 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 hearing 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 any 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

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imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must

be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on

the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

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