



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone 01353 665555

MEETING: LICENSING (STATUTORY) SUB-COMMITTEE

TIME: 10:00am

DATE: Monday 18 July 2022

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE: (01353) 665555 EMAIL: caroline.evans@eastcambs.gov.uk

MEMBERSHIP:

Conservative Members

Cllr Lavinia Edwards
Cllr Alan Sharp

Substitutes:

Cllr Julia Huffer
Cllr Jo Webber

Liberal Democrat Member

Cllr Alec Jones

Substitute:

Cllr John Trapp

Quorum: 3 Members

AGENDA

1. **Election of Chairman** [oral]
To elect a Chairman of the Sub-Committee for the municipal year.
2. **Apologies and Substitutions** [oral]
3. **Declarations of Interest** [oral]
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.
4. **Application for the Grant of a new Premises Licence – Licensing Act 2003**
Applicant: Mrs Winifred Mary Day
Premises: Brook House, 49 Brook Street, Soham, Ely, Cambridgeshire, CB7 5AD
To consider the above matter in accordance with the Hearings Procedure (attached).

5. Application for the Grant of a new Premises Licence – Licensing Act 2003
Applicant: Big Sky Venue Limited
Premises: Willow Farm, Pymoor Common, Pymoor, Ely, Cambridgeshire, CB6 2WA

To consider the above matter in accordance with the Hearings Procedure (attached).

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely>

Admittance is on a “first come, first served” basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend the meeting.

The meeting will be webcast and a livestream of the meeting will be available. Further details can be found at: <https://www.eastcambs.gov.uk/meetings/licensing-statutory-sub-committee-18072022> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked “oral”.
5. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*
- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*

- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
- the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;
- will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by

Members before they retire, the decision will be communicated to all parties within 5 working days.

17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - LICENSING ACT 2003

Committee: Licensing (Statutory) Sub-Committee

Date: Monday 18 July 2022

Author: Stewart Broome – Senior Licensing Officer

[X41]

1.0 PURPOSE/SUMMARY OF REPORT

- 1.1 To consider and determine an application for the grant of a premises licence in respect of Brook House, 49 Brook Street, Soham, Ely, Cambs, CB7 5AD.

2.0 RECOMMENDATION(S)

- 2.1 That Members consider the content of this report and all of the evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.4 of this report.

3.0 BACKGROUND/OPTIONS

Detail of Application

- 3.1 On 6th April 2022, **Mrs Winifred Day and Mrs Mary Radford** applied for a Premises Licence under section 17 of the Licensing Act 2003 for Brook House, 49 Brook Street, Soham, Ely, Cambs, CB7 5AD. The application was served on the responsible authorities, but unfortunately due to an issue with the newspaper advert, it was not initially advertised in accordance with the regulations of the Licensing Act 2003. This was resolved; however, the resolution caused a delay in the consultation end date. The full application can be found in **Appendix 1**.
- 3.2 In their application, the applicant states that they seek to licence the premises to provide breakfast, lunch and dinner, and to host social events such as wedding receptions.

Activities and times applied for

- 3.3 The following table sets out the requested activities and timings.

Table 1

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on the premises	Monday to Sunday 12:00 to 00:00

Late Night Refreshment (indoors)	Monday to Sunday 23:00 to 00:00
Live Music (Indoors and Outdoors) Recorded Music (Indoors and Outdoors) Plays (Indoors) Indoor Sporting Events Films (Indoors) Performance of Dance (Indoors) Anything similar to Live Music, Recorded Music and Performance of Dance (Indoors)	Monday to Sunday 12:00 to 00:00
Opening Hours	Monday to Sunday 07:30 to 00:30

3.4 The plans submitted with the application can be found at **Appendix 2**.

Licensing Objectives addressed by the Applicant

3.5 The applicant has offered the following measures in relation to the four licensing objectives:

1. A video/CCTV system displaying the correct time and date of the recording shall be in operation with sufficient cameras to monitor all internal and external areas where licensable activities take place and be capable of producing immediate copies on site either recorded digitally on to CD/DVD or other equivalent medium. A person competent in producing visual recordings to the police or an authorised officer on demand to be present on the premises at all times.
2. All recording to be retained and stored in a suitable and secure manner for a minimum of 28 days and be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
3. CCTV monitoring and recording equipment (including any mobile units in use at the premises) to be maintained at all times in a working condition.
4. Written risk assessments to be undertaken to ensure that at all times when licensable activities are being carried out, and with particular consideration given to specific known high-risk dates or planned events, consideration is given to whether it is necessary for SIA door supervisors to be used/employed to:
 - o prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder

- o keep out banned or excluded persons out
 - o search and exclude persons suspected to of carrying illegal drugs or offensive weapons
 - o maintain order on the premises
 - o ensure patrons disperse the premises in an orderly manner
5. An incident log shall be kept at the premises and made available on request to an authorised officer or the Police. It must be completed within 24 hours of the incident and will record the following:
- o all crimes reported to the venue
 - o all ejections of patrons
 - o any complaints received concerning crime and disorder
 - o any incidents of disorder
 - o all seizures of drugs or offensive weapons
 - o any faults in the CCTV system, searching equipment or scanning equipment
 - o any refusal of the sale of alcohol
 - o any visit by a relevant authority or emergency service.
6. The licence holder will ensure that prior to commencing customer facing duties all staff will undertake in-house training in relation to their responsibilities in the sale of alcohol, in particular with regard to drunkenness and underage persons and to the use of Challenge 25 scheme correctly and effectively and display notices on the premises. Records will be kept of such training and will be immediately available for inspection by the Police or any other authorised officer on request, and will include:
- o induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - o refresher/reinforcement training at intervals of no more than 6 months.
7. The designated premises supervisor shall authorise in writing the names of the staff members suitably trained to be responsible for the sale of alcohol at the premises in his/her absence.
8. A zero tolerance drug policy to be implemented at the premises and appropriate drug awareness staff training shall take place with training records maintained and made available on request to the Police or an Authorised Officer.
9. The number of external events where any form of amplified music is played to be limited to a maximum of 2 per year.
10. A contact telephone number to be advertised at least 1 week before an external event either at the venue and/or on the website, where concerns and/or suggestions can be raised either before, during or after the

proposed event. A written record of such calls and actions taken to be maintained.

11. External amplified music to cease at 22:00 hours. For clarification 'external' refers to anywhere outside of the main brick building delineated on the premises plan.
12. No external speakers to be permitted in the garden or car park areas apart from the designated external amplified music events.
13. Noise or vibration from licensable activities must not emanate from the premises so as to cause a nuisance at nearby properties.
14. Aural monitoring checks of noise levels to take place outside the premises at least once during an event involving regulated entertainment and appropriate measures to be taken to ensure compliance with condition 13 above. If an event continues after midnight then additional aural checks will be made from the surrounding area to check for compliance with the inaudibility condition 15 and 16 when assessed from the external boundaries of nearby residential properties. A written record of these monitoring inspections to be maintained to include the name of the person who conducted the monitoring, the date and time of the monitoring and the outcome of the monitoring.
15. Internal live or amplified recorded music as part of an internal event to cease at 00:00 hours. Music played after this time to be limited to background recorded music only on any night and this background music shall not be audible outside the building when assessed from the external boundaries of nearby residential properties, when the buildings windows and doors are closed. For clarification 'internal' refers to anywhere inside the main brick building delineated on the premises plan and shall not include any temporary buildings such as marquees.
16. Commentary or music from TV's or other screens shall not be audible outside the building after 23:00 hours on any night when the buildings windows and doors are closed. For clarification 'internal' refers to anywhere inside the main brick building delineated on the premises plan and shall not include any temporary buildings such as marquees.
17. Except for ingress to and egress from the premises, all doors and windows to remain closed during events involving regulated entertainment.
18. The placing of refuse and empty bottles into outside receptacles shall not take place during the night-time hours between 21:00 and 07:00 to minimise disturbance to nearby properties.
19. Lighting levels in the garden to be controlled so no overspill into neighbouring gardens or glare may occur.

20. Prominent, clear and legible notices to be prominently displayed at all premises exits to request patrons to respect the needs of the local community and of acceptable behavior in public spaces and to leave the premises and surrounding area quietly.
21. Clear and legible notices to be prominently displayed in the designated smoking area to request patrons to respect the needs of local residents and to act in a quiet and responsible manner when using the smoking area.
22. When entertainment of an adult nature is taking place on the premises, no person under 18 years of age to be allowed entry to that part of the premises where the adult entertainment is taking place.
23. The premises licence holder shall ensure that an age verification policy will apply to the premises whereby all bar staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
24. An incident book to record the refusal of alcohol sales and/or ejections from the premises to be maintained on the premises and this book to be made available on request to the police or an authorised officer.
25. Clear and legible signage to be displayed in the bar area and where gaming machines are sited to remind customers that they must be over 18 years of age to purchase alcoholic drink or play on the gaming machines.
26. The designated premises supervisor to require all staff members to regularly monitor the gaming machines to ensure the protection of under-age and vulnerable persons that may be using them. A written record of these monitoring inspections to be maintained to include the name of the person who conducted the monitoring, the date and time of the

Consultation/Representations

- 3.7 During the 28-day consultation process required by the Licensing Act 2003, the Licensing Authority received one valid representation from an "Other Person". This can be seen in full in **Appendix 3**.

3.7.1 A summary of the points raised are shown in the table below:

Table 2

Noise levels
Alcohol sales up to midnight
Public nuisance from those who have consumed alcohol

3.7.2 At the time of writing the report no agreement between any of the parties has been made.

4.0 CONCLUSIONS/DETERMINATION OF APPLICATION

4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report, and the evidence submitted, both written (if submission of such information is agreed by all parties at the hearing) and orally during the hearing.

4.2 Relevant Statutory Guidance considerations (**Appendix 4**):

The Licensing Objectives	Section 2 pages 6 to 12
Applications for Premises Licences	Section 8 pages 49 to 62
Determining applications	Section 9 pages 68 to 76
Conditions attached to Premises Licences	Section 10 page 77 to 88
Deregulation of certain entertainment	Section 16 page 123 to 140

4.3 Relevant Local Policy considerations (**Appendix 5**):

Representations	Section 1.51 to 1.55
Conditions	Section 1.56 to 1.64
Licensing Objectives	Section 3
Prevention of Crime and Disorder	Section 4
Public Safety	Section 5
Prevention of Public Nuisance	Section 6
Protection of Children from Harm	Section 7

4.4 Members can determine the premises licence application as follows:

- a) to grant the premises licence subject to:
 - (i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as Members consider appropriate for the promotion of the licensing objectives; and
 - (ii) any mandatory conditions that must be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor; or
- (d) to reject the application.

4.5 Members are asked to note that they may not modify or impose new conditions, or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be **appropriate** to do so in order to promote the licensing objectives, and any such step must relate to the actual representations made. Conditions attached must be focused on matters which are within the control of applicant, i.e. the premises and its vicinity.

Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to their application or representation, and is not relevant to the licensing objectives.

4.6 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.

4.7 Any decision taken must be **appropriate and proportionate** to the objective being pursued. In particular the following should be taken into consideration:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First protocol – peaceful enjoyment of possessions (which can include the possession of a licence)

Article 14 – the right to freedom from discrimination.

Point of Note – Premises history

4.8 Mrs Winifred Day previously held a premises licence for Brook House that was granted in 2005, and subsequently transferred to a new holder in May 2010, see **Appendix 6**). This licence was ultimately surrendered in 2018. Licensing

Authority records show two complaints relating to noise and anti-social behaviour following events held at Brook House were received and dealt with in 2009, but no other issues are recorded prior to, or in the two years after whilst Mrs Day remained the licence holder.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.
- 5.2 Should there be a decision to modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.3 Any party who made relevant representations in relation to the application may appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.4 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

7.0 APPENDICES

- 7.1 Appendix 1 – Application Form
- Appendix 2 – Plans
- Appendix 3 – Objections – Other Persons
- Appendix 4 – S182 Statutory Guidance extracts
- Appendix 5 – Local Policy extracts
- Appendix 6 – Previous licence surrendered in 2018.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Licensing Act 2003	Room SF208	Stewart Broome
The Licensing Act 2003 (Hearings) Regulations 2005		Senior Licensing Officer (01353) 616287 E-mail: stewart.broome@eastcambs.gov.uk

**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 Winifred Mary Day & Mary Evelyn Radford

(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 Brook House Rear of 49 Brook Street Soham Ely Cambridgeshire CB7 5AD			
Post town	Ely	Postcode	CB7 5AD

Part 2 - Applicant details

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

Please tick

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | ☒ | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | ☐ | please complete section (B) |

- ii as a partnership (other than limited liability) ☐ please complete section (B)
- iii as an unincorporated association or ☐ please complete section (B)
- iv other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) ☐ please complete section (B)
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
- 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 ☐	Mrs ☒	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname Day			First names Winifred Mary		

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs X	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname Radford			First names Mary Evelyn		

(B) OTHER APPLICANTS

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

Name

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

Part 3 Operating Schedule

When do you want the premises licence to start?

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)

The premises is a single storey building with a large function room with a stage (approximately 20 inches high), dining area + bar.

The premises has ample parking at the front + side of the building.

The maximum capacity of the building is 300 persons.

It is proposed that the premises will be open throughout the day, 7 days a week providing breakfast, lunch and dinner.

It is also proposed that the premises will be available for private hire for social events such as wedding receptions.

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

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

X

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

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	☒
				Outdoors	☐
				Both	☐
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	12:00	00:00			
Tue	12:00	00:00			
			State any seasonal variations for performing plays (please read guidance note 5)		
Wed	12:00	00:00			
Thur	12:00	00:00			
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	12:00	00:00			

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	☒
				Outdoors	☐
				Both	☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	12:00	00:00			
Tue	12:00	00:00			
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed	12:00	00:00			
Thur	12:00	00:00			
			<u>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</u> (please read guidance note 6)		
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	12:00	00:00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4) Amateur local events. Displays for local clubs, school and groups.
Day	Start	Finish	
Mon	12:00	00:00	
Tue	12:00	00:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	12:00	00:00	
Thur	12:00	00:00	<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	12:00	00:00	
Sat	12:00	00:00	
Sun	12:00	00:00	

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	☐
					Outdoors	☐
					Both	☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<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)			
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors ☐
					Outdoors ☐
Day	Start	Finish			Both ☒
Mon	12:00	00:00	Please give further details here (please read guidance note 4)		
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	12:00	00:00			
Fri	12:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) Outdoor music to cease at 22:00 hours		
Sat	12:00	00:00			
Sun	12:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	☐
				Outdoors	☐
				Both	X
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	12:00	00:00			
Tue	12:00	00:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	12:00	00:00			
Thur	12:00	00:00			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) Outdoor music to cease at 22:00 hours		
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	12:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	☒
					Outdoors	☐
					Both	☐
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon	12:00	00:00				
Tue	12:00	00:00				
			State any seasonal variations for the performance of dance (please read guidance note 5)			
Wed	12:00	00:00				
Thur	12:00	00:00				
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri	12:00	00:00				
Sat	12:00	00:00				
Sun	12:00	00:00				

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	X
Mon	12:00	00:00		Outdoors	☐
				Both	☐
Tue	12:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	12:00	00:00			
Thur	12:00	00:00	<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	12:00	00:00			
Sat	12:00	00:00	<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	12:00	00:00			

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	☒
				Outdoors	☐
				Both	☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	00:00			
Tue	23:00	00:00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23:00	00:00			
Thur	23:00	00:00			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	☒
				Off the premises	☐
				Both	☐
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	00:00			
Tue	12:00	00:00			
Wed	12:00	00:00			
Thur	12:00	00:00			
Fri	12:00	00:00	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)		
Sat	12:00	00:00			
Sun	12:00	00:00			

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

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

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).

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	07:30	00:30	
Tue	07:30	00:30	
Wed	07:30	00:30	
Thur	07:30	00:30	
Fri	07:30	00:30	
Sat	07:30	00:30	
Sun	07:30	00:30	

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)

See Attached Schedule

b) The prevention of crime and disorder

See Attached Schedule

c) Public safety

See Attached Schedule

d) The prevention of public nuisance

See Attached Schedule

e) The protection of children from harm

See Attached Schedule

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- 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. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

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.

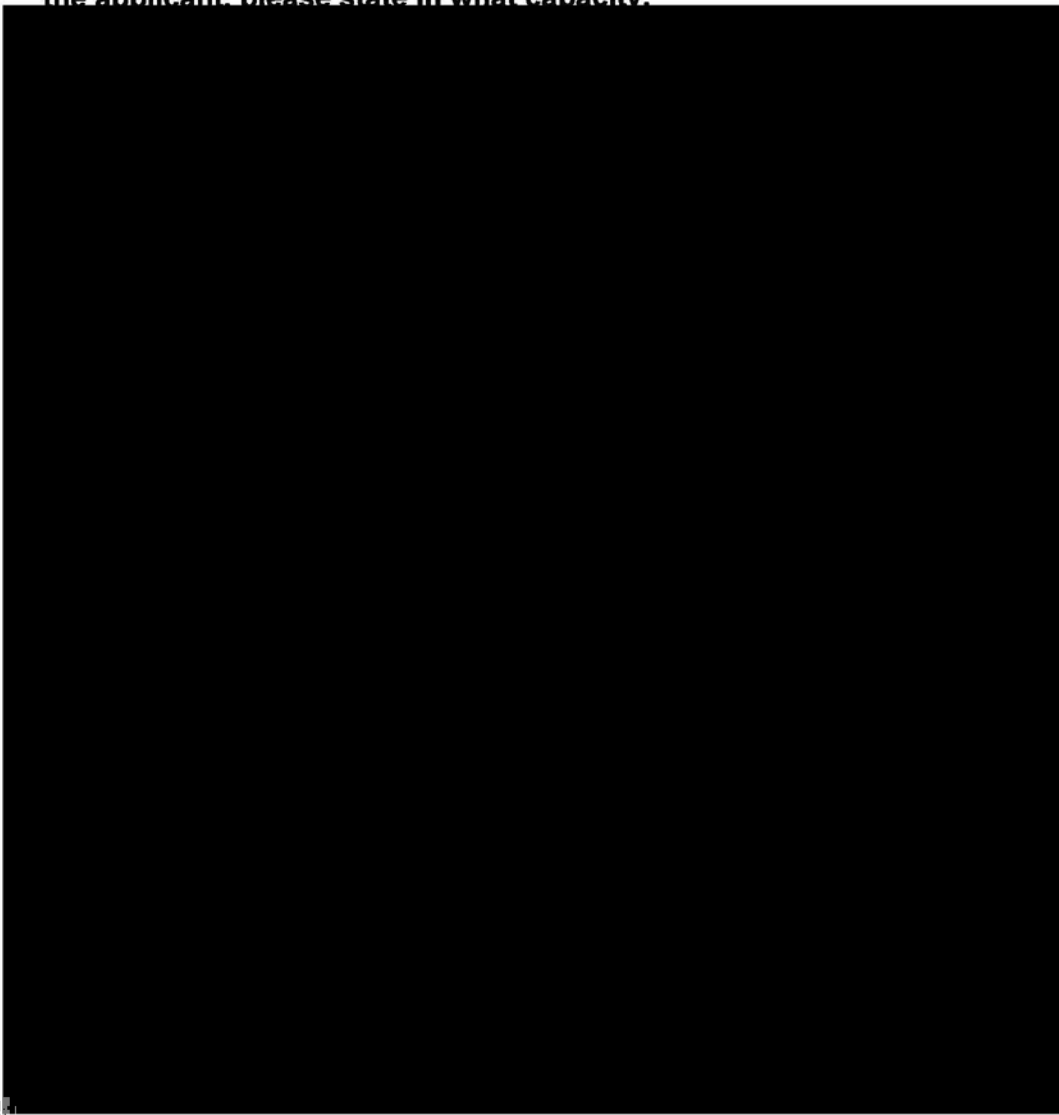
Part 4 – Signatures (please read guidance note 11)

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	• [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,
-------------	--



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.



4)

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.
 - o 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.
 - o 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 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~~ "NEW YEARS 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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document

giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

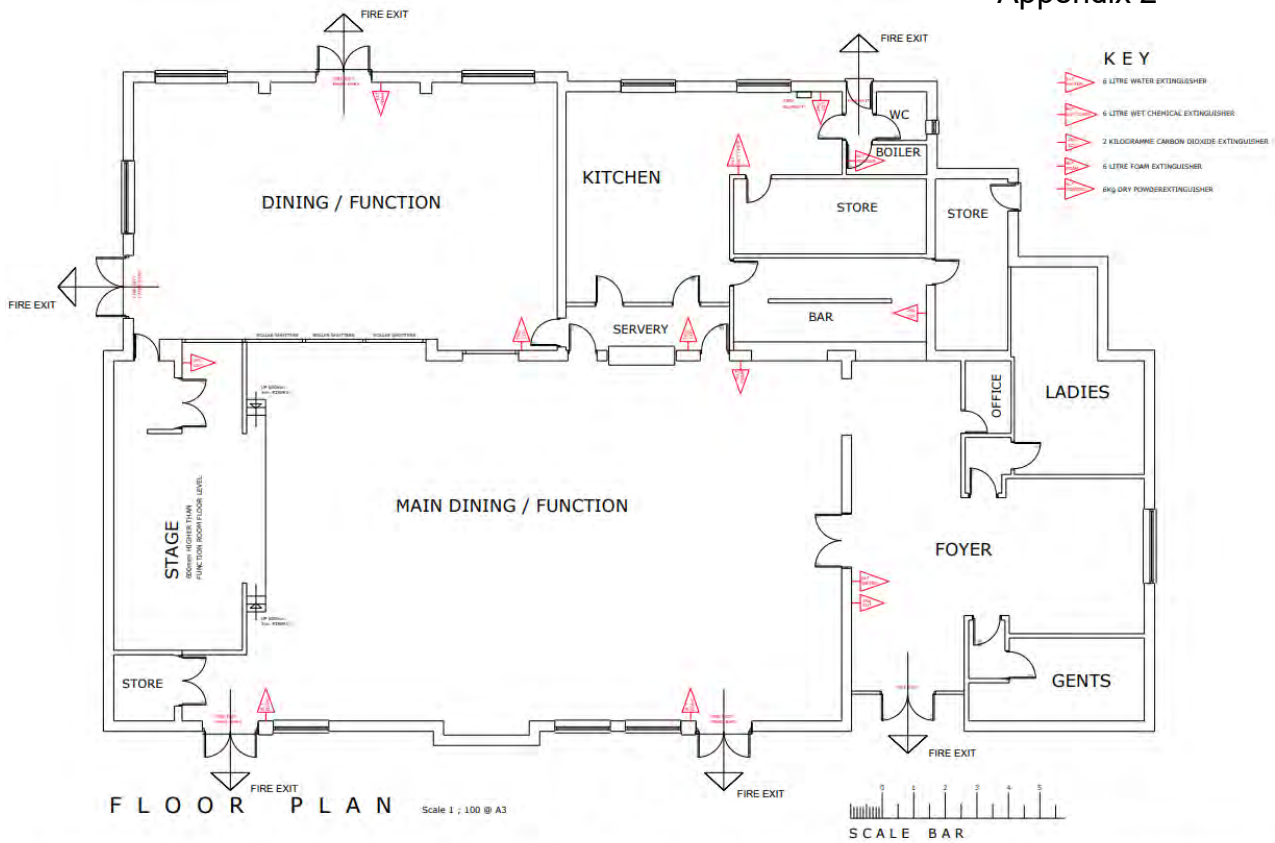
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

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

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

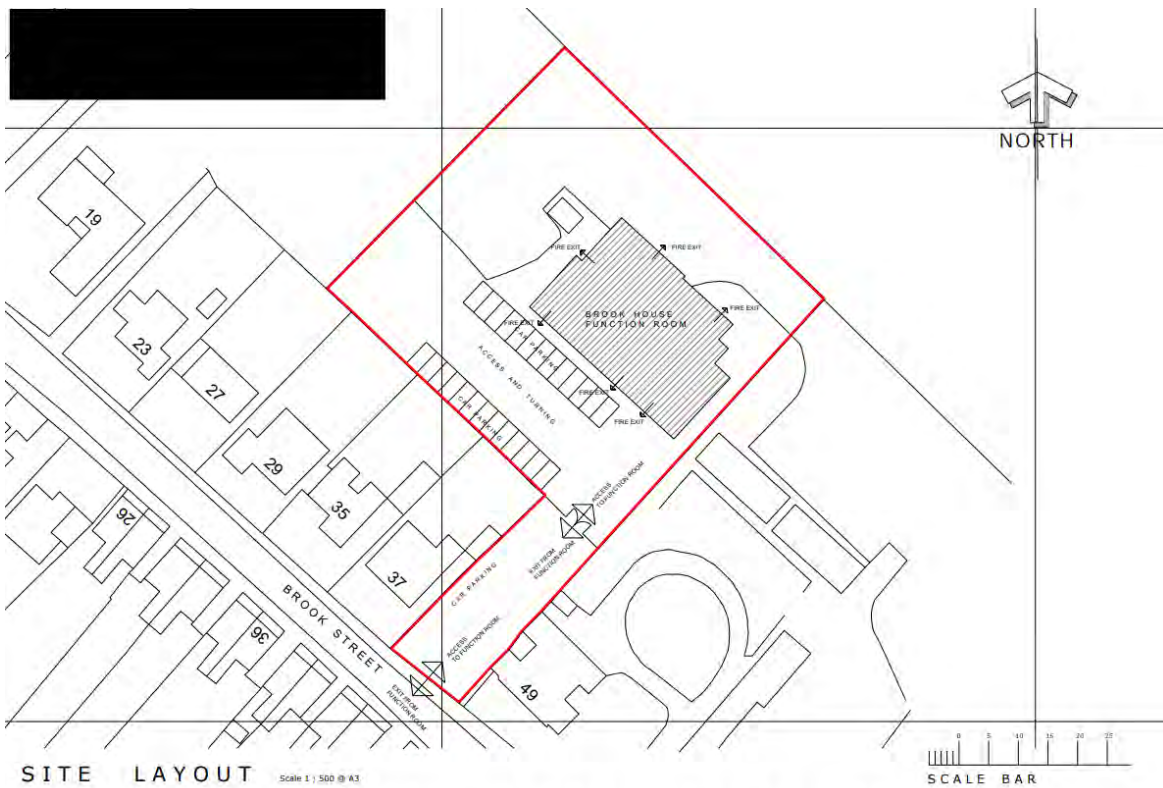
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Appendix 2



BROOK HOUSE FUNCTION ROOM . BROOK STREET . SOHAM

APRIL 2022



SITE LAYOUT Scale 1" = 500' @ A3

BROOK HOUSE FUNCTION ROOM . BROOK STREET . SOHAM

APRIL 2022



Aerial view of the premises provided by Officers.



THE LICENSING ACT 2003 REPRESENTATION FORM FOR OTHER PERSONS

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	Kathy Clarke
Title	Mrs
Postal address (inc post code)	36 Brook Street, Soham CB7 5AD
Contact telephone number	[REDACTED]
Mobile telephone number	[REDACTED]
Email address	[REDACTED]

Name of premises you are making a representation about	Brook House
Address of the premises you are making a representation about	49 Brook Street, Soham CB7 5AD

This section is about your representation which must relate to one or more of the Licensing Objectives.
Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).
When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to? Opening hours and Licencing hours	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder Sale of alcohol up to midnight Noise levels	Public safety Too much alcohol consumption often leads to disorderly behaviour and noise Brook Street is a residential area

The prevention of public nuisance Another risk with too much alcohol can cause public nuisance.	The protection of children from harm
Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary) Brook street is a residential area along with that there are plans in place for a large number residential properties on three sides of Brook house. How many families are going to be affected by sleepless nights? The sale of alcohol should be limited to at latest 11.00pm On a last note the traffic in Brook street has already increased with the Felix Pk estate this will be further increased with the Brook House venue	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed  Date23/05/22.....

Please print designation K Clarke

Please return this form along with any additional sheets to:

Licensing Team
Environmental Services
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.



East Cambridgeshire District Council

Licensing Act 2003

STATEMENT OF LICENSING POLICY



Published: 10 November 2020
Effective: 7 January 2021

Representations

- 1.51 Any Responsible Authority or “other person” may make relevant representations on applications for the grant or variation or minor variation of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.52 A representation will only be ‘relevant’ if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, in the case of a representation submitted by an “other person”, the representation must not be frivolous or vexatious.
- 1.53 The licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made, including the name and address of the person who submitted it. Unless a person making a representation can satisfy the licensing authority that there are exceptional reasons as to why their name and address should not be made public (in which case some or all of their details may be withheld), these details will be released. Due to this “other persons” may wish to approach a responsible authority or ward councillor with their concerns.
- 1.54 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates’ Court against the decision of the committee.
- 1.55 Where the Responsible Authorities or an “other person” does not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Conditions

- 1.56 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.57 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations, or in the case of a temporary event notice relating to an event being held on a licensed premises where an objection notice is received, and it has been satisfied at a hearing that it’s appropriate to impose conditions due to the representations/ objection notice raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of consideration of the representations/ objection notice.
- 1.58 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and

thereby achieves the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.

- 1.59 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 1.60 Where relevant representations are made, the Licensing Authority will weigh up all the evidence and determine the application with the requirement to uphold the licensing objectives at the front of their minds.
- 1.61 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
- 1.62 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These could include
- planning controls
 - positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport **operators, etc.**
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder, anti-social behaviour and ASBOs, including the issuing of fixed penalty notices for disorder, making dispersal orders, etc.
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - the confiscation of alcohol from children and adults in designated areas
 - police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- 1.63 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such. The Licensing Authority reserves the legal right to amend the wording of offered prohibitions or restrictions to ensure they are clear and enforceable, but will ensure that the amended wording does not go beyond the original offering.
- 1.64 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be appropriate for promotion of the licensing objectives.

3.0 LICENSING OBJECTIVES

- 3.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 3.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 3.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 3.4 **The selection of control measures, referred to in 3.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and

training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

- 3.5 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 3.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 3.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 3.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could include
- the nature of the premises or event
 - the availability of alcohol treatment services to the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the age of the customers
 - the attendance by customers with disabilities or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation
 - nature and provision of facilities for ventilation
 - provision of seating
 - retention of room divisions to minimise the effect of any disorderly activity
 - use of separate areas in single-room pubs to minimise the effect of any disorderly activity.
- 3.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as

door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

4.0 PREVENTION OF CRIME AND DISORDER

- 4.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.
- 4.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 4.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**
- 4.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include
- under-age drinking
 - drunkenness on premises
 - public drunkenness
 - drugs
 - violent behaviour
 - anti-social behaviour.
 - alcohol pricing, and marketing
- 4.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
 - training and supervision of staff
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)

- acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- employment of Security Industry Authority licensed door supervisors
- provision of toughened or plastic drinking vessels
- provision of secure, deposit boxes for confiscated items ('sin bins')
- provision of security measures, such as lighting outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

4.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

4.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.

4.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten clear working days, or five clear working days (Late TENs) minimum statutory notice, to enable the police, and environmental health to consider them. The Licensing Authority acknowledges that 'working days notice' means working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

5.0 PUBLIC SAFETY

- 5.1 East Cambridgeshire District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 5.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered. These could include
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (e.g. age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- 5.3 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- suitable and sufficient risk assessments
 - effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
 - provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
 - provision of toughened or plastic drinking vessels
 - implementation of crowd management measures

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

6.0 PREVENTION OF PUBLIC NUISANCE

- 6.1 Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. East Cambridgeshire District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 6.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.**
- 6.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance may be suitable for 24-hour opening.
- 6.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.
- 6.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 6.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and, in particular, the presence of noise-limiting features
 - the occupancy capacity of the premises
 - the availability of public transport

- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time.

6.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting
- management arrangements for collection and disposal of litter
- effective ventilation systems to prevent nuisance from odour.

7.0 PROTECTION OF CHILDREN FROM HARM

7.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

7.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

7.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm. Potential harm can come from interactions with other persons, and from the broadcast of media such as, the exhibition of films, or the transmission of live broadcast programmes or social media whilst on licensed premises.

7.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is appropriate, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person

who has given a temporary event notice, subject to compliance with the general provisions of the 2003 Act.

7.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

7.6 Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- where there's a known association with drug taking or dealing
- where there's a known association with the provision of illicit goods
- where the premises or event supplying alcohol is in close proximity to services where young and/or vulnerable persons may frequent
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- avoiding alcohol branding that is targeted at young persons, such as alcopops
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol

- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

- 7.8 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or East Cambridgeshire District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if appropriate.**
- 7.9 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.
- 7.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate.



East Cambridgeshire District Council

Licensing Act 2003

STATEMENT OF LICENSING POLICY



Published: 10 November 2020
Effective: 7 January 2021

Representations

- 1.51 Any Responsible Authority or “other person” may make relevant representations on applications for the grant or variation or minor variation of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.52 A representation will only be ‘relevant’ if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, in the case of a representation submitted by an “other person”, the representation must not be frivolous or vexatious.
- 1.53 The licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made, including the name and address of the person who submitted it. Unless a person making a representation can satisfy the licensing authority that there are exceptional reasons as to why their name and address should not be made public (in which case some or all of their details may be withheld), these details will be released. Due to this “other persons” may wish to approach a responsible authority or ward councillor with their concerns.
- 1.54 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates’ Court against the decision of the committee.
- 1.55 Where the Responsible Authorities or an “other person” does not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Conditions

- 1.56 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.57 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations, or in the case of a temporary event notice relating to an event being held on a licensed premises where an objection notice is received, and it has been satisfied at a hearing that it’s appropriate to impose conditions due to the representations/ objection notice raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of consideration of the representations/ objection notice.
- 1.58 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and

thereby achieves the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.

- 1.59 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 1.60 Where relevant representations are made, the Licensing Authority will weigh up all the evidence and determine the application with the requirement to uphold the licensing objectives at the front of their minds.
- 1.61 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
- 1.62 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These could include
- planning controls
 - positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport **operators, etc.**
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder, anti-social behaviour and ASBOs, including the issuing of fixed penalty notices for disorder, making dispersal orders, etc.
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - the confiscation of alcohol from children and adults in designated areas
 - police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- 1.63 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such. The Licensing Authority reserves the legal right to amend the wording of offered prohibitions or restrictions to ensure they are clear and enforceable, but will ensure that the amended wording does not go beyond the original offering.
- 1.64 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be appropriate for promotion of the licensing objectives.

3.0 LICENSING OBJECTIVES

- 3.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 3.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 3.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 3.4 **The selection of control measures, referred to in 3.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and

training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

- 3.5 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 3.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 3.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 3.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could include
- the nature of the premises or event
 - the availability of alcohol treatment services to the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the age of the customers
 - the attendance by customers with disabilities or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation
 - nature and provision of facilities for ventilation
 - provision of seating
 - retention of room divisions to minimise the effect of any disorderly activity
 - use of separate areas in single-room pubs to minimise the effect of any disorderly activity.
- 3.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as

door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

4.0 PREVENTION OF CRIME AND DISORDER

- 4.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.
- 4.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 4.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**
- 4.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include
- under-age drinking
 - drunkenness on premises
 - public drunkenness
 - drugs
 - violent behaviour
 - anti-social behaviour.
 - alcohol pricing, and marketing
- 4.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
 - training and supervision of staff
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)

- acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- employment of Security Industry Authority licensed door supervisors
- provision of toughened or plastic drinking vessels
- provision of secure, deposit boxes for confiscated items ('sin bins')
- provision of security measures, such as lighting outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

4.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

4.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.

4.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten clear working days, or five clear working days (Late TENs) minimum statutory notice, to enable the police, and environmental health to consider them. The Licensing Authority acknowledges that 'working days notice' means working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

5.0 PUBLIC SAFETY

- 5.1 East Cambridgeshire District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 5.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered. These could include
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (e.g. age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- 5.3 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- suitable and sufficient risk assessments
 - effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
 - provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
 - provision of toughened or plastic drinking vessels
 - implementation of crowd management measures

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

6.0 PREVENTION OF PUBLIC NUISANCE

- 6.1 Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. East Cambridgeshire District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 6.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.**
- 6.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance may be suitable for 24-hour opening.
- 6.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.
- 6.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 6.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and, in particular, the presence of noise-limiting features
 - the occupancy capacity of the premises
 - the availability of public transport

- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time.

6.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting
- management arrangements for collection and disposal of litter
- effective ventilation systems to prevent nuisance from odour.

7.0 PROTECTION OF CHILDREN FROM HARM

7.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

7.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

7.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm. Potential harm can come from interactions with other persons, and from the broadcast of media such as, the exhibition of films, or the transmission of live broadcast programmes or social media whilst on licensed premises.

7.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is appropriate, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person

who has given a temporary event notice, subject to compliance with the general provisions of the 2003 Act.

7.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

7.6 Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- where there's a known association with drug taking or dealing
- where there's a known association with the provision of illicit goods
- where the premises or event supplying alcohol is in close proximity to services where young and/or vulnerable persons may frequent
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- avoiding alcohol branding that is targeted at young persons, such as alcopops
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol

- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

- 7.8 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or East Cambridgeshire District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if appropriate.**
- 7.9 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.
- 7.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate.



East Cambridgeshire District Council

The Grange, Nutholt Lane, Ely, Cambridgeshire. Tel: 01353 665555

Part A

Premises Licence

Premises Licence Number

11/00402/LIQ_02

Licence valid from

11.05.2011

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Brook
49 Brook Street
Soham
Ely
Cambridgeshire
CB7 5AD

Telephone number: 01353 720324

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Plays (indoors & outdoors)
Films (indoors & outdoors)
Indoor Sporting Events
Boxing and Wrestling Entertainment (indoors & outdoors)
Live Music (indoors & outdoors)
Recorded Music (indoors & outdoors)
Performance of Dance (indoors & outdoors)
Entertainment of a Similar Description (indoors & outdoors)
Provision of Facilities for Making Music (indoors & outdoors)
Provision of Facilities for Dancing (indoors & outdoors)
Provision of Facilities for Entertainment of a Similar Description (indoors & outdoors)
Late Night Refreshment (indoors & outdoors)
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Standard activity times

Plays (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Films (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Indoor Sporting Events

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Boxing and Wrestling Entertainment (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Live Music (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Recorded Music (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Performance of Dance (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Entertainment of a Similar Description (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Provision of Facilities for Making Music (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Provision of Facilities for Dancing (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Provision of Facilities for Entertainment of a Similar Description (indoors & outdoors)

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	14:30 - 16:30

Late Night Refreshment (indoors & outdoors)

Saturday to Thursday	23:00 - 00:00
Friday	23:00 - 02:00

Sale by Retail of Alcohol

Monday to Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:30

Non standard activity times

New Year's Eve	10:00 - 02:00
----------------	---------------

The opening hours of the premises**Standard opening hours**

Monday	00:01 - 00:00
Tuesday	00:01 - 00:00
Wednesday	00:01 - 00:00
Thursday	00:01 - 00:00
Friday	00:01 - 00:00
Saturday	00:01 - 00:00
Sunday	00:01 - 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both ON and OFF the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Brook Entertainment Ltd
38 Paddock Street
Soham
Ely
Cambridgeshire
CB7 5JB

Electronic Mail:
Telephone Contact Number:

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

Registered Business Number: 07227166

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

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

Personal Licence Number:
Licensing Authority:

Annex 1 – Mandatory Conditions

Mandatory Conditions: Premises Licence – Sale by Retail of Alcohol

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

Mandatory Conditions: Premises Licence – Irresponsible Drink Promotions

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Mandatory Conditions: Premises Licence – Dispense of Alcohol

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

Mandatory Conditions: Premises Licence – Provision of Free Tap Water

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

Mandatory Conditions: Premises Licence – Age Verification Policy

1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Mandatory Conditions: Premises Licence – Measures of Alcohol

The responsible person shall ensure that:

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b) customers are made aware of the availability of these measures.

Mandatory Conditions: Premises Licence – Exhibition of Films

1. Where the film classification body is specified in the premises licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where:
 - a) the film classification body is not specified in the licence, or

- b) the relevant licensing authority has notified the holder of the premises licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Annex 2 – Conditions Consistent with the Operating Schedule

1. All staff to receive regular training regarding the requirements of the four licensing objectives of the Licensing Act 2003 with appropriate training records maintained.
2. All staff to receive regular health and safety training and fire safety training with appropriate training records maintained.
3. A zero drug policy to be implemented at the premises and appropriate drug abuse staff training to take place with appropriate training records maintained.
4. Formal risk assessments to be put in place and to be regularly updated.
5. In the absence of adequate daylight, the lighting in any area accessible to the public to be fully in operation when they are present.
6. Noise or vibration must not emanate from the premises as to cause a nuisance to nearby properties.
7. Clear and legible notices to be prominently displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
8. Except for ingress to and egress from the premises, all doors and windows to remain closed during events involving regulated entertainment.
9. No use of explosives, pyrotechnics and fireworks of a similar nature that may cause disturbance to surrounding areas to be permitted.
10. The placing of refuse - such as bottles - into receptacles outside the premises to take place at times to minimise disturbance to nearby properties.
11. All escape routes and exits to be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
12. Where chairs and tables are provided, internal gangways to be kept unobstructed.
13. All exits doors to be easily opened without the use of a key, card, code or similar means.
14. All exit doors to be regularly checked to ensure that they function satisfactorily and a record of the check kept.
15. Any removable security fastenings to be removed whenever the premises is open to the public or occupied by staff.
16. All fire doors to be maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
17. All edges of treads of steps and stairways to be maintained so as to be conspicuous.
18. Any person selling or supplying alcoholic drink under the authority of a personal licence holder to ask for a photographic ID proof of age where they have reason to suspect that the individual may be under 18 years of age.

19. No child to be permitted to approach the bar counters.
20. An appointed member of staff to request any person causing nuisance or disturbance to leave the licensed premises and surrounding area immediately.
21. An appointed member of management to vet all hall bookings and applications to be refused if it is anticipated that possible disorder or nuisance might occur.
22. All electrical equipment to be periodically checked with appropriate records kept.
23. Fire extinguishers to be regularly checked by the fire official with appropriate records kept.
24. Gas appliances to be regularly serviced in keeping with regulations with appropriate records kept.
25. The area outside the premises to be kept free from litter at all times.
26. Regular monitoring of noise levels to take place outside the premises during events involving regulated entertainment.
27. When entertainment of an adult nature is taking place on the premises, no person under 18 years of age to be allowed entry to that part of the premises where the adult entertainment is taking place.
28. No use of unlawful drugs to be permitted on the premises.
29. The number of external events where any form of amplified music is played to be limited to a maximum of 6 per year and no more than one per calendar month.
30. No external music to be played except during the 6 agreed external events.
31. External music to cease at 22:00 on any night.
32. Local residents to be advised when outside entertainment will take place.

Annex 3 – Conditions attached after a Hearing by the Licensing Authority

Annex 4 – Plans

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - LICENSING ACT 2003

Committee: Licensing (Statutory) Sub-Committee

Date: Monday 18 July 2022

Author: Stewart Broome – Senior Licensing Officer

[X42]

1.0 PURPOSE/SUMMARY OF REPORT

- 1.1 To consider and determine an application for the grant of a premises licence in respect of Willow Farm, Pymoor Common, Pymoor, Ely, Cambridgeshire, CB6 2WA.

2.0 RECOMMENDATION(S)

- 2.1 That Members consider the content of this report and all of the evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.4 of this report.

3.0 BACKGROUND/OPTIONS

Detail of Application

- 3.1 On 20th May 2022, **Big Sky Venue Limited** applied for a Premises Licence under section 17 of the Licensing Act 2003 for Willow Farm, Pymoor Common, Pymoor, Ely, Cambridgeshire, CB6 2WA. The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003. The full application can be found in **Appendix 1**.
- 3.2 The applicant seeks to licence an area of land to hold festivals and events for up to 4999 persons, including bespoke and seasonal events.

Activities and times applied for

- 3.3 The following table sets out the requested activities and timings.

Table 1

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	Monday to Sunday 10:00 to 04:00 12 occasions per annum 04:00 to 10:00.

Late Night Refreshment (indoors and outdoors)	Monday to Sunday 23:00 to 04:00 12 occasions per annum 04:00 to 05:00.
Live Music Recorded Music Plays Indoor Sporting Events Boxing and Wrestling Films Performance of Dance Anything similar to Live Music, Recorded Music and Performance of Dance All of the above indoors and outdoors	Monday to Sunday 10:00 to 04:00 12 occasions per annum 04:00 to 10:00.
Opening Hours	Monday to Sunday 10:00 to 04:30 12 occasions per annum 04:30 to 10:00.

3.4 The plans submitted with the application can be found at **Appendix 2**.

3.5 Further location maps and site photos provided by Officers can be found in **Appendix 3**.

Licensing Objectives addressed by the Applicant

3.6 The applicant has offered the following measures in relation to the four licensing objectives:

1. The Council's Safety Advisory Group (SAG) and Licensing Authority shall be informed (at least 16 weeks prior to the event, "the notice period" of the intended event date. The event date may be altered, for operational reasons, but only with the approval of the SAG, and the Licensing Authority.
2. Risk assessments and event documentation forming part of the Event Management Plan shall be supplied to the SAG and the Licensing Authority during the notice period for their consideration.
3. The event shall be run in accordance with the companies Festival Event Management Plan approved by the Licensing Authority at all times, which shall be deposited with the Licensing Authority for their approval at least fourteen days prior to any event commencing.
4. Relevant notices will be erected at the entrance to the event including the contact details of the event manager.

5. During periods of regulated entertainment an appointed person is to be made responsible for aurally monitoring noise levels at the boundaries of the site. Appropriate records of these inspections, including the time of the monitoring, and any steps taken to reduce and control noise emissions at that time, if any. Such records to be made available on request from the Local Authority.
6. Any age-related policy required by the Licensing Act 2003 shall make reference to the 'Challenge 25' policy, and that all members of staff shall be trained regarding the sale of alcohol under this policy. All written records of the training will be maintained and be made available for inspection by the police or an authorised officer.
7. A refusal/ due diligence book will be maintained to record any refusal to sell alcohol and kept on site, this will be made available for inspection by the police or an authorised officer.

Consultation/Representations

- 3.7 During the 28-day consultation process required by the Licensing Act 2003, the Licensing Authority received the following valid representations:

Table 2

Responsible Authorities:	Police (Appendix 4)
	Environmental Health (Appendix 5)
Other Persons objecting:	214 received (Appendix 6)
Other Persons supporting:	2 received (Appendix 7)

- 3.7.1 Due to the number of other persons submitting a representation, the main points from each representation have been set out in **Appendix 6** to this report. The full version of the representations will be available on the day of the hearing.
- 3.7.2 A summary of the points raised by those opposing the application are shown in the table below:

Table 3

Concerns over the wide extent of licensing hours requested
The offered conditions do not provide sufficient time
The offered conditions may not be manageable depending upon scale
General traffic management concerns due to location

The site is in a rural location with unsuitable roads and footpaths incapable of dealing with the likely level of activity in the area resulting in public safety concerns.
Accessibility for emergency vehicles
Increased crime and disorder as a result of people drinking and taking drugs
Concerns fire outbreaks may occur due to irresponsible behaviour
General anti-social behaviour from persons attending the events
Littering
Drink driving concerns due to lack of public transport in the area
Noise outbreak from the licensable activities
Light outbreak from licensable activities
General noise nuisance from the site's activities
Protection of children concerns due to associated drug use at festivals and traffic issues
Wildlife concerns due to noise and light pollution
Public safety concerns due to drainage dykes, and loose cattle in fields
Insufficient detail provided in the application to enable due consideration
Insufficient Police resource levels in the district.
Negative impact on nature reserves
Availability of hospitals in the area very poor
The effect on other businesses
Impact on wildlife generally

3.7.3 Points raised to support the application included:

Table 4

Economic benefits to local businesses
Opportunities for local bands
Opportunities for local people to enjoy local events

- 3.7.4 At the time of writing the report no agreement between any of the parties have been made, and no additional information has been provided from the applicant to address the points raised in the objections.

4.0 CONCLUSIONS/DETERMINATION OF APPLICATION

- 4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report, and the evidence submitted, both written (if submission of such information is agreed by all parties at the hearing) and orally during the hearing.

- 4.2 Relevant Statutory Guidance considerations (**Appendix 8**):

The Licensing Objectives	Section 2 pages 6 to 12
Applications for Premises Licences	Section 8 pages 49 to 62
Determining applications	Section 9 pages 68 to 76
Conditions attached to Premises Licences	Section 10 page 77 to 88
Deregulation of certain entertainment	Section 16 page 123 to 140

- 4.3 Relevant Local Policy considerations (**Appendix 9**):

Representations	Section 1.51 to 1.55
Conditions	Section 1.56 to 1.64
Licensing Objectives	Section 3
Prevention of Crime and Disorder	Section 4
Public Safety	Section 5
Prevention of Public Nuisance	Section 6
Protection of Children from Harm	Section 7

- 4.4 Members can determine the premises licence application as follows:

- a) to grant the premises licence subject to:
- (i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as Members consider appropriate for the promotion of the licensing objectives; and

- (ii) any mandatory conditions that must be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
or
 - (d) to reject the application.
- 4.5 Members are asked to note that they may not modify or impose new conditions, or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be **appropriate** to do so in order to promote the licensing objectives, and any such step must relate to the actual representations made. Conditions attached must be focused on matters which are within the control of applicant, i.e. the premises and its vicinity.

Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to their application or representation, and is not relevant to the licensing objectives.

- 4.6 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.
- 4.7 Any decision taken must be **appropriate and proportionate** to the objective being pursued. In particular the following should be taken into consideration:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First protocol – peaceful enjoyment of possessions (which can include the possession of a licence)

Article 14 – the right to freedom from discrimination.

Point of Note - Planning

- 4.8 Officers of the Licensing Authority believe that the proposed premises do not hold suitable planning permission to cover the nature of the proposed activities, and any use would instead be relying on the temporary use of land for up to 28 days in any calendar year provisions of Part 4 of Schedule 2 of the General Permitted Development Order. The existence or lack thereof of suitable planning permission is not a reason in itself on which to base a decision, but Officers felt it was useful information to include.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.

- 5.2 Should there be a decision to modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.3 Any party who made relevant representations in relation to the application may appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.4 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

7.0 APPENDICES

- 7.1 Appendix 1 – Application Form
 Appendix 2 – Plans
 Appendix 3 – Further location plans and images
 Appendix 4 – Objection – Police
 Appendix 5 – Objection – Environmental Health
 Appendix 6 – Objections – Other Persons
 Appendix 7 – Supporting – Other Persons
 Appendix 8 – S182 Statutory Guidance extracts
 Appendix 9 – Local Policy extracts

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Licensing Act 2003	Room	Stewart Broome
The Licensing Act 2003 (Hearings) Regulations 2005	(Location: i.e. The Grange, Ely	Senior Licensing Officer (01353) 616287 E-mail: stewart.broome@eastcambs.gov.uk

Full copies of the
representations received

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

Big Skye Venue 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 Willow Farm			
Main Street Pymoor			
Post town	Cambridgeshire	Postcode	CB6 2WA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 0

Part 2 - Applicant details

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

a)	an individual or individuals *			please complete section (A)
b)	a person other than an individual *			
	i	as a limited company/limited liability partnership	x	please complete section (B)
	ii	as a partnership (other than limited liability)		please complete section (B)
	iii	as an unincorporated association or		please complete section (B)

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

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		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 'share code' provided to the applicant by that service (please see note 15 for information)

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		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 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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 Ross John Taylor

Address Unit 1 Mount Pleasant Farm 68 Main Street, Pymoor, Ely, England, CB6 2DY
Registered number (where applicable) 14085522
Description of applicant (for example, partnership, company, unincorporated association etc.) Director of the limited company
Telephone number (if any) XXXXXXXXXX
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
The application seeks to licence an area which may be used for festivals and events. The events will be held in line with any licence permissions, guided by SAG and event planning polices.
The hours are accommodating the nature of the events as detailed, the application does also request on up to 12 occasions (to be agreed with the local authority at least 16 weeks in advance) extension to the hours to be available for up to 24 hours. The attraction of additional flexible hours could be used when securing appropriate events.
This would give the venue the advantage of holding specific events for example, bespoke events, seasonal events and others, whilst growing their portfolio in the area. The nature of hospitality has changed enormously following the pandemic with demand for outside events ever increasing in popularity.
The applicant is looking to promote the area, offer top class events / festivals whilst working with the authorities in order to achieve a successful venue, attracting businesses and individuals into the area.

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

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	x
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	x
Mon	10.00	04.00	Please give further details here (please read guidance note 4)			
Tue	10.00	04.00				
Wed	10.00	04.00	State any seasonal variations for performing plays (please read guidance note 5)			
Thur	10.00	04.00				
Fri	10.00	04.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) On up to 12 occasions per year hours extended to 24 hours			
Sat	10.00	04.00				
Sun	10.00	04.00				

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	
				Outdoors	
Day	Start	Finish		Both	x
Mon	10.00	04.00	Please give further details here (please read guidance note 4)		
Tue	10.00	04.00			
Wed	10.00	04.00	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	10.00	04.00			
Fri	10.00	04.00	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) On up to 12 occasions per year hours extended to 24 hours		
Sat	10.00	04.00			
Sun	10.00	04.00			

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	10.00	04.00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue	10.00	04.00	
Wed	10.00	04.00	
Thur	10.00	04.00	<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) On up to 12 occasions per year hours extended to 24 hours
Fri	10.00	04.00	
Sat	10.00	04.00	
Sun	10.00	04.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	x
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10.00	04.00			
Tue	10.00	04.00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed	10.00	04.00			
Thur	10.00	04.00	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 (please read guidance note 6) On up to 12 occasions per year hours extended to 24 hours		
Fri	10.00	04.00			
Sat	10.00	04.00			
Sun	10.00	04.00			

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	x
Mon	10.00	04.00	Please give further details here (please read guidance note 4)			
Tue	10.00	04.00				
Wed	10.00	04.00	State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur	10.00	04.00				
Fri	10.00	04.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) On up to 12 occasions per year hours extended to 24 hours			
Sat	10.00	04.00				
Sun	10.00	04.00				

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	
					Outdoors	
Day	Start	Finish			Both	x
Mon	10.00	04.00	<u>Please give further details here</u> (please read guidance note 4)			
Tue	10.00	04.00				
Wed	10.00	04.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Thur	10.00	04.00				
Fri	10.00	04.00	<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) On up to 12 occasions per year hours extended to 24 hours			
Sat	10.00	04.00				
Sun	10.00	04.00				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	x
Mon	10.00	04.00	Please give further details here (please read guidance note 4)		
Tue	10.00	04.00			
Wed	10.00	04.00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	10.00	04.00			
Fri	10.00	04.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) On up to 12 occasions per year hours extended to 24 hours		
Sat	10.00	04.00			
Sun	10.00	04.00			

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	
Mon	10.00	04.00		Outdoors	
				Both	x
Tue	10.00	04.00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	10.00	04.00			
Thur	10.00	04.00			
Fri	10.00	04.00	<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)		
Sat	10.00	04.00			
Sun	10.00	04.00	<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)		
			On up to 12 occasions per year hours extended to 24 hours		

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	
				Outdoors	
Day	Start	Finish		Both	x
Mon	23.00	04.00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23.00	04.00			
Wed	23.00	04.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	04.00			
Fri	23.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) On up to 12 occasions per year hours extended to 05.00 finish		
Sat	23.00	04.00			
Sun	23.00	04.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon	10.00	04.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	10.00	04.00			
Wed	10.00	04.00			
Thur	10.00	04.00	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) On up to 12 occasions per year hours extended to 24 hours		
Fri	10.00	04.00			
Sat	10.00	04.00			
Sun	10.00	04.00			

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

Name Sarah Jane Gilliead	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) PA0476	
Issuing licensing authority (if known) Durham CC	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10.00	04.30	
Tue	10.00	04.30	
Wed	10.00	04.30	
Thur	10.00	04.30	
Fri	10.00	04.30	
Sat	10.00	04.30	
Sun	10.00		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) On up to 12 occasions per year hours extended to 24 hours

		04.30	
--	--	-------	--

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)

1. The Council's Safety Advisory Group (SAG) and Licensing Authority shall be informed (at least 16 weeks prior to the event, "the notice period" of the intended event date.
The event date may be altered, for operational reasons, but only with the approval of the SAG, and the Licensing Authority.
2. Risk assessments and event documentation forming part of the Event Management Plan shall be supplied to the SAG and the Licensing Authority during the notice period for their consideration.
3. The event shall be run in accordance with the companies Festival Event Management Plan approved by the Licensing Authority at all times, which shall be deposited with the Licensing Authority for their approval at least fourteen days prior to any event commencing.
4. Relevant notices will be erected at the entrance to the event including the contact details of the event manager.
5. During periods of regulated entertainment an appointed person is to be made responsible for aurally monitoring noise levels at the boundaries of the site. Appropriate records of these inspections, including the time of the monitoring, and any steps taken to reduce and control noise emissions at that time, if any. Such records to be made available on request from the Local Authority.
6. Any age related policy required by the Licensing Act 2003 shall make reference to the 'Challenge 25' policy, and that all members of staff shall be trained regarding the sale of alcohol under this policy. All written records of the training will be maintained and be made available for inspection by the police or an authorised officer.
7. A refusal/ due diligence book will be maintained to record any refusal to sell alcohol and kept on site, this will be made available for inspection by the police or an authorised officer.

b) The prevention of crime and disorder

as per event management plan

c) Public safety

as per event management plan

d) The prevention of public nuisance

as per event management plan

e) The protection of children from harm

as per event management plan

Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	x
• I have enclosed the plan of the premises.	x
• 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.	x
• I understand that I must now advertise my application.	x
• 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).	x x

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	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Jane Gilliead
Date	18 th May 2022
Capacity	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)			
Jane Gilliead [REDACTED]			
Post town	Co Durham	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more 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.

- o 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.
- o 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.
- o 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.
- o 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:

- o 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.
- o 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.
- o 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:

- o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
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 issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

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.





Westmoor Common – Looking north



Westmoor Common – Looking south



Westmoor Common – Farm buildings within the proposed site.



Larger location view showing location compared to Pymoor and Little Downham



Location view showing the location of the public right to way and the route of the overhead power lines crossing the proposed site.

Our Ref: PC446 Metcalfe – Willow Farm, Main Street, Pymoor rep.

Licensing Officer
East Cambs District Council,
The Grange Car Park,
Nutholt Lane,
Ely,
Cambridgeshire.
CB7 4EE

Date 16/06/2022

Dear Sirs,

SUBJECT: Representation for premises licence relating to Willow Farm, Main Street, Pymoor, Ely,
Cambs. CB6 2WA.

Please find attached the Police representation in regard to the new premises licence application submitted by Big Sky Venue Ltd, for a licensed premises at Willow Farm, Main Street, Pymoor, Ely.

This representation is in regard to licensing objectives: Prevention of Crime and Disorder, Public nuisance, Public Safety under Licensing Act 2003.

Yours Sincerely,

PC 446 Clare Metcalfe
Licensing Officer for Cambridgeshire Constabulary
Operational Planning and Licensing Department,
Cambridgeshire Constabulary,
Hinchbrook Park,
Huntingdon,
PE29 6NP.



CC: Jane Gilliead - emagservices11@gmail.com

**THE LICENSING ACT 2003
REPRESENTATION FORM FOR "RESPONSIBLE AUTHORITY"**

Please delete as applicable: **POLICE**

Your name	PC 446 Clare Metcalfe
Job Title	Licensing Officer, Cambridge Constabulary
Postal Address (inc post code)	Operational Planning and Licensing Department, Cambridgeshire Constabulary, Hinchingsbrooke Park, Huntingdon, PE29 6NP
Contact telephone number:	[REDACTED]
Mobile Number:	[REDACTED]
Email address:	licensingssouth@cambs.pnn.police.uk

Name of Premises you are making a representation about:	Willow Farm
Address of the premises you are making a representation about:	Main Street, Pymoor, Ely. CB6 2WA.

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

Which licensing objective(s) does your representation relate to?	Please see below
The prevention of crime and disorder	Public safety
See Below	See Below
The prevention of public nuisance	Protection of Children from Harm
See Below	

It is unfortunate that no pre-application advice was sought during this process. It would have been useful to understand exactly what Big Sky Venue Ltd business plans were for the land covered in the application, and the precise requirements for a premises licence. Initial police concerns regarding the proposed application and its effect on the licensing objectives could have been highlighted at that early stage of the process.

There are a number of concerns regarding the current application detailed below:

1. Concerns over the wide extent of licensing hours requested, '*7 days a week 10:00-04:00hrs for all licensable activities*'. In addition to those hours, the application requests '*for up to 12 occasions per year to have licensing hours extended to 24hrs*'.
The application details '*they seek to licence an area which may be used for festivals and events*' for up to 5000 people. In addition, they wish the '*licence to give them the advantage of holding specific events, such as bespoke events, seasonal events and others*'... The scope of the requested licensing hours and activities are so wide that if the premises licence is granted, the premises could in theory host large, live music events 365 days of the year, between 10:00-04:00hrs, and for 24hrs on 12 occasions per year.
2. '*Condition 3 - The event shall be run in accordance with the companies Festival Event Management Plan (EMP) approved by the Licensing Authority at all times, which shall be deposited with the Licensing Authority for their approval at least fourteen days prior to any event commencing*'.
The time period of 14 days for an approved Festival EMP to be provided to the Licensing Authority is too short a timescale and doesn't provide enough notification of the final event plans. It is common practice to condition premises licences to require early notification of specific large events, such as music festivals to Safety Advisory Groups (SAG), and to engage with relevant authorities and local authorities by submitting EMPs for approval. However, due to the wide scope of this licence it would be very difficult to propose such a condition as depending on the intended frequency of these types of events this arrangement would be too time consuming for the SAG and be unworkable.
3. Outstanding concerns over potential public nuisance to local residents caused by both the presence and noise of event traffic.
4. Concerns over public nuisance from noise bleed from the actual event activities itself to neighbouring properties, and residents further afield in both Pymoor and Little Downham villages.
5. Concerns over traffic management issues caused by additional event related traffic at both event site entrance(s), and along the B1411 through Little Downham. (The B1411 appears to be the only main road route to the event site).
6. '*As per event management plan*', is quoted in Section M of the application. But no site-specific Event Management Plan for the premises has been submitted. The presence of such a document would have permitted relevant authorities to assess the previous experience of the event organiser and their competency in composing such an important document. The subsequent example EMP provided by the applicant's agent, was for a pop-up, open air cinema event, in Norwich, so not a comparable higher risk event, such as music festival located in a rural area. In the example EMP no information detailing drugs policy, search policy etc....
7. There is no mention of a traffic management plan, detailing the location of emergency access routes, how attendees are expected to get to site, or car parking arrangements. It does not appear the B1411 from Little Downham has any street lighting or pavements, thus leading to safety concerns over pedestrians who may decide to either walk to or from the location, especially during hours of darkness.
8. The absence of information detailing security arrangements, such as staffing levels, CCTV/body camera requirements, security fencing, or safety considerations for a remote rural location, such as the presence of waterfilled drainage channels, or no street lighting.

In summary the wide scope of the requested licensing hours and activities are as such it is very difficult to assess the impact that this application may have of the licensing objectives and its effect on the local residents. I must assess the suitability of this application on the scenario that the licensing hours and requested regulated activities would be used in full. So as the application stands it is not practical to compile a set of suitable conditions, as additional information would be required. The absence of a Traffic Management Plan is a concern, as from previous knowledge, such a document is a key component to the successful running of large events, not only for attendees, but the local community, and in particular access and egress for emergency service vehicles.

Due to the insufficient information provided in the application and the above outlined concerns, which I believe would be detrimental to the licensing objectives, I respectfully request that the sub-licensing committee refuse this application.

The Delegation of responsibilities by the Chief Officer of Police is shown in Appendix 1.

Signed Date: 16/06/2022

APPENDICES

1. Delegation of Responsibilities.

Appendix 1 - Delegation of Responsibilities.



Creating a safer
Cambridgeshire

Licensing Act 2003

Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Cambridgeshire Constabulary Licensing Officers to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing Constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed



Nick Dean
Chief Constable
Cambridgeshire Constabulary
1 October 2018

From: Karen See <Karen.See@eastcambs.gov.uk>
Sent: 06 June 2022 15:40
To: Jane Gilliead
Cc: Stewart Broome <Stewart.Broome@eastcambs.gov.uk>; Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: Willow Farm, Pymoor Common, Ely

Dear Sarah,

I have been consulted on the above application. I assess applications with respect to their potential noise impacts, public nuisance being one of the 4 licensing objectives, so therefore it is vital that at the earliest stage of any proposals that we can be reassured that not only are the proposals likely to be acceptable within this objective but also that we can discuss with you the measures we would expect you to take to mitigate any adverse impacts with respect to noise and other public health issues such as sanitation, lighting, waste, litter etc.

The application is for an unlimited number of events with live or recorded music until 0400 hours, 7 days/week. The request is also for 24 hour live or recorded music for up to 12 occasions per year. These could range from small events to large scale music or festival type events attracting many thousands of people. There is no indication as to whether they will be internal or external events.

Today I have been forwarded some further general background information from yourself with respect to events you have organised at other sites/venues around the country.

With respect to this site at Pymoor Common there are isolated properties in the vicinity of the site and a neighbouring village within 1 km. Background noise levels are very low in this area, particularly at night. Noise from amplified music will travel some distance and it is important that all neighbouring residents (whether they are close by or some distance away) are adequately protected from its impacts, especially late at night. I do not consider the application has adequately considered in detail what protections will be put in place.

I note the application refers to the use of the SAG for event management proposals. This is by its nature an advisory group and when considering noise impacts of large scale events appropriate controls should be contained within the licence and the operating schedule conditions, in addition to any specific requirements you may be advised to put in place for individual events, as a result of the discussions within SAG. I note the only specific reference to noise control in the application is from the proposal in point 5 which advises:

During periods of regulated entertainment an appointed person is to be made responsible for aurally monitoring noise levels at the boundaries of the site. Appropriate records of these inspections, including the time of the monitoring, and any steps taken to reduce and control noise emissions at that time, if any. Such records to be made available on request from the Local Authority.

To provide you with some indication of the level of noise control we require with respect to large scale music focussed events it is considered appropriate for the organiser to employ the services of a qualified noise consultant. Their role is to provide assurances, through the setting of noise limits and controls on any sound systems in use, that current noise control guidelines at sensitive receptors is not only achievable but also adhered to throughout the period of the music entertainment. For smaller events measures such as Noise Management Plans, may be an appropriate means to control excess noise emissions and this could be along the lines of ensuring someone is responsible for aurally monitoring noise at the boundary of any neighbouring premises to ensure music noise is not

audible. The greater the number of events being planned then the greater degree of reassurance the LA is likely to require to ensure adequate protections are in place in the form of licence conditions. Music noise disturbance until midnight for a set number of events per year would not be considered as unreasonable as disturbance until 0400 hours, or for events occurring over a 24 hour period. The application is suggesting there could be 12 events per year requiring 24 hour live or recorded music and no limit to the number of events having live or recorded music until 0400 hours on any day of the week.

For this reason my view at this time is that it will be appropriate to raise a representation.

I would be happy to discuss the issues around noise control further with you. Please provide a contact number that I can reach you on this week.

Kind regards.

Karen See
Senior Environmental Health Officer

East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE

Appendix 6

	Name	Main points raised
1	Aggett Keith	Site access & associated noise nuisance
2	Alderton Stuart + Mrs H	Unsuitable roads and footpaths Increase in crime and disorder Noise from activities
3	Armstrong Dr Ruth	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Public safety concerns due to proximity of flammable items Noise outbreak from activities
4	Ashton Elaine	Increase in crime and disorder, drug use Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
5	Ashton Jane	Increase in crime and disorder, littering, drug use Unsuitable road and footpaths and traffic issues Noise, vibration and light outbreak from activities
6	Ashton Patrick	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
7	Ashton Victoria	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise, light and smell outbreak from activities
8	Bacon Laura	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise, light and smell outbreak from activities
9	Bailey Anna Cllr	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise, light and smell outbreak from activities
10	Baker Helen	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise, light and smell outbreak from activities
11	Baker John	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise outbreak from activities
12	Baker Michael + Mary	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise, and light outbreak from activities

13	Banks Gillian	Increase in crime and disorder, Unsuitable road and footpaths and traffic issues Noise, light and smell outbreak from activities
14	Barnes Angela	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
15	Barnett Alexa	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
16	Barnett Rita	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
17	Barrow Nina + Paul	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
18	Becker Dr Matilda	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise, light outbreak from activities
19	Bennett Grant	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
20	Bennett Jo	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise, light outbreak from activities
21	Bennion Professor Helen	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise, outbreak from activities
22	Blakey Mrs LA Mr HE	Unsuitable road and footpaths and traffic issues Noise outbreak from activities Anti-social behaviour from attendees
23	Blewitt Claire	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise, light outbreak from activities
24	Bradley Simon	Littering Unsuitable road and footpaths and traffic issues

		Noise, light outbreak from activities
25	Braybrooke Charlotte	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
26	Braybrooke David	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
27	Braybrooke Katherine	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
28	Braybrooke Sophie	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
29	Brockbank Elizabeth	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
30	Brown Anne	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
31	Brown Kenneth	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
32	Brown Oliver	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise, light outbreak from activities
33	Brown Shaun	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
34	Browne Shelagh	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
35	Burgess Andrew	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
36	Burgess Jennie	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues

		Noise outbreak from activities
37	Butcher Alan	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
38	Butcher Darren	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
39	Butcher Eleanor	Increase in crime and disorder
40	Butcher Norman	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
41	Butcher Shaun	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
42	Butcher Tracey	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
43	Cadogan Elaine	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
44	Calver Becky	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
45	Calver Helen	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
46	Calver Shaun	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
47	Campion Louise	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
48	Cavill Joanne	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities

49	Ceska Sarah	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
50	Clark Dawn	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
51	Clark Andrew + Dawn	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
52	Clarke Graham	Increase in anti-social behaviour Unsuitable road and footpaths and traffic issues Noise outbreak from activities
53	Clarke Louise	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
54	Clarke Thomas	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
55	Cleveland Alan + Linda	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
56	Clowe Christopher	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
57	Collins Maureen	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
58	Cook Adrian	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
59	Cook Amanda	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
60	Cook Oliver	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
61	Cooper Andrea	Increase in crime and disorder Unsuitable road and footpaths and traffic issues

		Noise and light outbreak from activities
62	Cooper Peter	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
63	Cooper Robert	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
64	Cooper Ryan	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
65	Cope Elizabeth	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
66	Crabb David	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
67	Crawley Ian	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
68	Crowley Alison	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
69	Curtis Deborah	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
70	Daily Eileen	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
71	Davenport Julie	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities Fire concerns
72	Davis Abigail	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
73	Dawkins Philippa	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues

		Noise outbreak from activities
74	Dawson Imogen	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
75	Day Jacqueline	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
76	Delanoy Craig	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
77	Dennis Inger + William	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
78	Diamond Angela	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
79	Dixon Michael	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
80	Dixon Teresa	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
81	Doctors Ashley	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
82	Doctors Karen	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
83	Dowden Jean	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
84	Driver Jacqueline + Mr J Driver	Anti-social behaviour Unsuitable road and footpaths and traffic issues Noise outbreak from activities
85	Dunnington Gary	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
86	Dupre Lorna Cllr	Increase in crime and disorder

		Unsuitable road and footpaths and traffic issues Noise outbreak from activities
87	Eagle Jack	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
88	Blank intentionally	
89	Emery Peter	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
90	England Alison	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
91	Evans Ian	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
92	Evans Joan	Undermining of all four objectives - No specific details provided
93	Evans Neil	Increase in anti-social behaviour and general nuisance Unsuitable road and footpaths and traffic issues Noise outbreak from activities
94	Feast Teresa	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
95	Fickling Vicki	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
96	Foulger Adrian	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
97	Foulger Sue	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
98	Freeman Judith	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
99	Gallyer Jean	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities

100	Blank intentionally	
101	Golding Amanda + James	Increase in crime and disorder, fire risk Unsuitable road and footpaths and traffic issues Noise outbreak from activities
102	Golding Lynne + Spencer Williams	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
103	Golding Pamela + Norman	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
104	Golding Patricia	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
105	Goodall Mike	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
106	Graham Hollie	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
107	Grant Leanne	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
108	Grant Dr Steven	Noise outbreak from activities
109	Graves David + Margaret	Noise and inconvenience Anti-social behaviour
110	Gray Geoffrey	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
111	Hampson Peter	Increase in crime and disorder Noise outbreak from activities
112	Harris Neil	Increase in crime and disorder Noise outbreak and nuisance from activities
113	Harrison Judy	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
114	Harvey John	Increase in crime and disorder Unsuitable road and footpaths and traffic issues

		Noise outbreak from activities
115	Hawkins Kay	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues
116	Hawkins Susan	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
117	Haynes Clive	Increase in anti-social behaviour Unsuitable road and footpaths and traffic issues
118	Hebbard Carol	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
119	Hebbard Georgina	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
120	Hebbard Mark	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
121	Heeps Owen	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
122	Henderson Philip	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
123	Henry Andrew	Unsuitable road and footpaths and traffic issues
124	Higgs Christina	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
125	Higgs Thomas	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
126	Hill Joanna + Dr Jon Pearson	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
127	Hobbs Neil	Unsuitable road and footpaths and traffic issues

		Noise outbreak from activities
128	Hollington Gillian	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
129	Hollington Mark	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
130	Houghton Peter	Noise outbreak from activities
131	Ioannou Delphine	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
132	Ioannou Jason	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
133	Ioannou Marcos	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
134	Ioannou Peter	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
135	Iremonger Robert + Mrs I	Increase in crime and disorder Noise outbreak from activities
136	Iserles Tali	Unsuitable road and footpaths and traffic issues Noise and general nuisance outbreak from activities
137	Jahnke Karen	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
138	James Aaron	Increase in crime and disorder, fire risk Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
139	James Alan CPRE Chair Cams + Peterb'gh	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
140	Jones Julia	Increase in crime and disorder Unsuitable road and footpaths and traffic issues

		General nuisance from activities
141	Joy Robert	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
142	Kerridge Judith + Mr S	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
143	Knowles Julie	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
144	Lafferty Kevin	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
145	Lambert Sarah	Noise outbreak from activities
146	Leech Clare + Edward	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
147	Leech Paul + Jacqueline	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
148	Llewddib Peter	Increase anti-social behaviour Unsuitable road and footpaths and traffic issues Noise outbreak from activities
149	Long Simon + Tina	Increase in crime and disorder, littering, fire risk Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
	Mackness Clair	Objection group spokesperson Increase in crime and disorder, littering, fire risk Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities and general nuisance from large crowds attending
150	Martin Anthony	Noise outbreak from activities
151	Martin Clare	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
152	Matthews-Brown Philip	Unsuitable road and footpaths and traffic issues

		Noise outbreak from activities
153	Matthews-Brown Sandra	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
154	Maxey Richard + Denise	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
155	McInalley Scott	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
156	Mitchell Derek	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
157	Moore Lorraine + Nick	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
158	Montesso Joanna	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
159	Mulley Kay	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
160	Munro Hannah	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
161	Munro Russell	Increase in crime and disorder, anti-social behaviour litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
162	Munt Janet	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
163	Nicholls Judith + Julian	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
164	Norton Keith	Unsuitable road and footpaths and traffic issues
165	Norton Muriel	Unsuitable road and footpaths and traffic issues Noise outbreak from activities

166	Nye Chris	Fire concerns Unsuitable road and footpaths and traffic issues General nuisance from activities
167	Parfect Kenneth	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
168	Pearman Andres	Noise outbreak from activities
169	Pearson Jane + Robert + Matthew	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
170	Peters Christine	Increase in crime and disorder, anti-social behaviour, litter Unsuitable road and footpaths and traffic issues Noise outbreak from activities
171	Pinnells John	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
172	Pritchard Jason	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise outbreak from activities
173	Pritchard Sarah	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
174	Pugh Leigh + Mark	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise outbreak from activities
175	Raznick Sheila	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
176	Rich John + Susan	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise outbreak from activities
177	Richards Barry	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
178	Roscoe Catriona	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities

179	Roscoe Harriet	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
180	Roscoe Paul	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
181	Rose Dr Owen	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
182	Rudderham Susan	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
183	Runciman Abigail	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
184	Runciman Bethany	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
185	Runciman Catherine	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
186	Runciman Edward	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
187	Russell Bradley	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
188	Russell Rebecca	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
189	Russell Susan	Increase in crime and disorder, litter Unsuitable road and footpaths and traffic issues Noise outbreak from activities
190	Sampays Nick	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
191	Seidler Michele +	Increase in crime and disorder

	Stephen	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
192	Smithies Adrian + Christina	Unsuitable road and footpaths and traffic issues Noise outbreak from activities
193	Snowball Barbara	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
194	St John Sandra	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
195	Stevens Catherine	Increase in anti-social behaviour Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
196	Stevens Mark	Noise outbreak from activities
197	Stokes Dr Elaine	Increase in crime and disorder Noise and light outbreak from activities
198	Taylor Mark + Becky	Increase in crime and disorder Noise and light outbreak from activities
199	Taylor Sheila + Hayden	Increase in anti-social behaviour Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
200	Thomas Linda	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
201	Tidy Jane	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
202	Tighe Mary	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
203	Tither Keith + Annette	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
204	Vass Peter	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues

		Noise and light outbreak from activities
205	Wallace John + Sylvia Golds- Wallace	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
206	Watkins Rev William	Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
207	Weavers Barrie	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
208	Wicker Benjamin	Increase in crime and disorder Noise outbreak from activities
209	Wicker Isla	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
210	Wiles David	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
211	Willow Farm Objection Group	Objection group spokesperson Increase in crime and disorder, littering, fire risk Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities and general nuisance from large crowds attending
212	Winters Sheila	Increase in crime and disorder Noise and light outbreak from activities
213	Wood Emma + Darren	Increase in crime and disorder Unsuitable road and footpaths and traffic issues Noise outbreak from activities
214	Woodhead Nicolette	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise outbreak from activities
215	Yexley Georgina	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities
216	Yexley Janie	Increase in crime and disorder, littering Unsuitable road and footpaths and traffic issues Noise and light outbreak from activities



**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	Owen Edge
Title	
Postal address (inc post code)	Flat 52a Main Street, Little Downham Ely, Cambs CB62WA
Contact telephone number	
Mobile telephone number	
Email address	@aol.com
Name of premises you are making a representation about	Willow Farm
Address of the premises you are making a representation about	Willow Farm, Pymoor CB62WA
This section is about your representation which must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary). When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.	
Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

The prevention of public nuisance	The protection of children from harm
Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)	
I am in support of this application and think some conditions may have to be attached to ensure harmony	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed:  Date: 16/06/2022
Please print designation: Owen Edge

Please return this form along with any additional sheets to:

Licensing Team
Environmental Services
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
CB7 4EE

Telephone: 01353 666665

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.

Lin Bagwell

Subject: Licensing Act 2003 - New Premises Licence - Willow Farm Pymoor Common Pymoor
22/00320/LIQ_02

From: Emily Gilbert
Sent: 16 June 2022 10:41
To: Licensing <Licensing@eastcambs.gov.uk>
Subject: [EXTERNAL] Licensing application 22/00320/LIQ_02 - support

To whom it may concern,

I think the granting of this application could have real benefits for the local community.

- increased footfall in the area, positively impacting local businesses (including shops, pubs, taxi/transport firms, B&Bs/hotels)
- opportunities for local bands and wider cultural groups to get involved in festivals and events which may arise as a result of this application
- opportunity for local people to attend local events, which the area is lacking in a little currently

Many thanks,
Emily Gilbert
10a Park Lane, Little Downham, Ely, CB6 2TF

2. The licensing objectives

Crime and disorder

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

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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.

- 2.20 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.
- 2.21 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.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate

authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

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

Offences relating to the sale and supply of alcohol to children

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

Table of relevant offences under the 2003 Act

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

- 8.12 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government's legislation website: www.legislation.gov.uk.

Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.
- 8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Who can apply for a premises licence?

- 8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.
- 8.16 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.
- 8.17 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(1)(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. Where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in accountability.
- 8.18 A public house may be owned, or a tenancy held, jointly by a husband and wife, civil partners or other partnerships of a similar nature, and both may be actively involved in carrying on the licensable activities. In these cases, it is entirely possible for the husband and wife or the partners to apply jointly as applicant for the premises licence, even if they are not formally partners in business terms. This is unlikely to lead to the same issues of clouded accountability that could arise where two separate businesses

apply jointly for the licence. If the application is granted, the premises licence would identify the holder as comprising both names and any subsequent applications, for example for a variation of the licence, would need to be made jointly.

- 8.19 A wide range of other individuals and bodies set out in section 16 of the 2003 Act may apply for premises licences. They include, for example, Government Departments, local authorities, hospitals, schools, charities or police forces. In addition to the bodies listed in section 16, the Secretary of State may prescribe by regulations other bodies that may apply and any such regulations are published on the Government's legislation website. There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.

Application forms

- 8.20 The Provision of Services Regulations 2009 require local authorities to ensure that all procedures relating to access to, or the exercise of, a service activity may be easily completed, at a distance and by electronic means. Electronic application facilities for premises licences may be found either on GOV.UK or the licensing authority's own website. It remains acceptable to make an application in writing.

Electronic applications

- 8.21 Applicants may apply using the licence application forms available on GOV.UK, or will be re-directed from GOV.UK to the licensing authority's own electronic facility if one is available. Applicants may also apply directly to the licensing authority's facility without going through GOV.UK.

Electronic applications using forms on gov.uk

- 8.22 GOV.UK will send a notification to the licensing authority when a completed application form is available for it to download from GOV.UK. This is the day that the application is taken to be 'given' to the licensing authority, even if it is downloaded at a later stage, and the application must be advertised from the day after that day (as for a written application). The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.
- 8.23 The period of 28 consecutive days during which the application must be advertised on a notice outside the premises is, effectively, the statutory timescale by which the application must be determined (unless representations are made). This will be published on GOV.UK and must also be published on the licensing authority's own electronic facility if one exists. If no representations are made during this period, the licensing authority must notify the applicant as quickly as possible that the licence has been granted. The licensing authority must send the licence to the applicant as soon as possible after this, but the applicant may start the licensed activity as soon as they have been notified that the application is granted (subject to compliance with the conditions of the licence). The licence may be supplied in electronic or written format as long as the applicant is aware which document constitutes 'the licence'. If representations are made, the guidance in Chapter 9 applies.

Requirement to copy application to responsible authorities

- 8.24 The licensing authority must copy electronic applications, made via GOV.UK or its own facility, to responsible authorities no later than the first working day after the application

is given. However, if an applicant submits any part of their application in writing, the applicant will remain responsible for copying it to responsible authorities.

Applications via the local authority electronic application facility

- 8.25 Where applications are made on the licensing authority's own electronic facility, the application will be taken to be 'given' when the applicant has submitted a complete application form and paid the fee. The application is given at the point at which it becomes accessible to the authority by means of the facility. The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.

'Holding' and 'deferring' electronic applications

- 8.26 The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority's possession. However, if this is not the case and required information is missing or incorrect, the licensing authority may 'hold' the application until the applicant has supplied all the required information. This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete. Licensing authorities must ensure that they notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.
- 8.27 If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. It is therefore recommended that, if a licensing authority holds an application, it should inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. The licensing authority should also advise the applicant that they should not advertise the application in a local newspaper until they have received confirmation from the licensing authority that the application includes all the required information. To ensure clarity for applicants, the Government recommends that licensing authorities include similar advice on their electronic application facilities (where these exist) to ensure that applicants do not incur any unnecessary costs.
- 8.28 If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.
- 8.29 Licensing authorities may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the licensing authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing. Licensing authorities must ensure that applicants are informed as quickly as possible of a decision to defer, and the reasons for the deferral, before the original 28 days has expired.

Written applications

- 8.30 A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities. For example, it would not be appropriate to send an application for premises

which was not a vessel to the Maritime and Coastguard Agency. The application must be accompanied by:

- the required fee (details of fees may be viewed on the GOV.UK website);
- an operating schedule (see below);
- a plan of the premises in a prescribed form; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS).

- 8.31 If the application is being made by an individual it should be accompanied by acceptable evidence of entitlement to work in the UK (this includes where the application is submitted electronically), as set out in the application form (see paragraph 4.8).
- 8.32 If the application is being made in respect of a community premises, it may be accompanied by the form of application to apply the alternative licence condition.
- 8.33 Guidance on completing premises licence, club premises certificate and minor variation forms can be found on the GOV.UK website. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 contain provision about the prescribed form of applications, operating schedules and plans and are published on the legislation.gov.uk website.

Plans

- 8.34 Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

Beer gardens or other outdoor spaces

- 8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.
- 8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).
- 8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed

application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Entitlement to work in the UK

- 8.38 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. From 6 April 2017 licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.
- 8.39 The documents which may be relied on in support of an application demonstrating an entitlement to work in the UK are the same as for personal licence applicants see paragraph 4.8. Where there is sufficient evidence that the applicant is not resident in the UK there is no requirement that the applicant has an entitlement to work in the UK.
- 8.40 Where an applicant's permission to work in the UK is time-limited the licensing authority may issue a premises licence for an indefinite period, but the licence will become invalid when the immigration permission expires. The individual's entitlement to work in the UK may be extended or made permanent by the Home Office, and granting the licence for an indefinite period prevents the licensee from having to re-apply for a new licence. In the event that the Home Office cuts short or ends a person's immigration permission (referred to a curtailment or revocation), any licence issued on or after 6 April 2017 which authorises the sale of alcohol or provision of late night refreshment will automatically lapse. As with personal licences, the licensing authority is under no duty to carry out on going immigration checks to see whether a licence holder's permission to be in the UK has been brought to an end. For further details on entitlement to work see paragraphs 4.8 to 4.18.

Steps to promote the licensing objectives

- 8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.
- 8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

- 8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.
- 8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local responsible authorities;
 - websites or publications by local voluntary schemes and initiatives; and
 - on-line mapping tools.
- 8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached

to premises licences with the minimum of fuss.

- 8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Variations

Introduction

- 8.50 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above.

Simplified processes

- 8.51 There are simplified processes for making applications, or notifying changes, in the following cases:
- a change of the name or address of someone named in the licence (section 33);
 - an application to vary the licence to specify a new individual as the designated premises supervisor (DPS) (section 37);
 - a request to be removed as the designated premises supervisor (section 41);
 - an application by a licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in sections 19(2) and 19(3) of the 2003 Act concerning the supervision of alcohol sales by a personal licence holder and the need for a DPS who holds a personal licence (sections 25A and 41D); and
 - an application for minor variation of a premises licence (sections 41A to 41C) or club premises certificate (sections 86A to 86C).
- 8.52 If an application to specify a new DPS or to remove the mandatory conditions concerning the supervision of alcohol sales is made electronically via GOV.UK or the licensing authority's own electronic facility, the authority must notify the police no later than the first working day after the application is given.
- 8.53 Where a simplified process requires the applicant (if they are not also the personal licence holder) to copy the application to the licence holder for information, this will apply regardless of whether the application is made in writing or electronically. Otherwise the general guidance set out above (paragraphs 8.21 to 8.28) on electronic applications applies.

Minor variations process

- 8.54 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display

it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

- 8.55 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. It is recommended that decisions on minor variations should be delegated to licensing officers.
- 8.56 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. The application is unlikely to be relevant to all responsible authorities.
- 8.57 The licensing authority must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives; representations must be confined to the subject matter of the variation. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.
- 8.58 Other persons have ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.
- 8.59 If the licensing authority fails to respond to the applicant within 15 working days (see section 193 of the 2003 Act for the definition of working day), the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.
- 8.60 Where an application is refused and is then re-submitted through the full variation process, the full 28 day notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).
- 8.61 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

Changes to structure/layout

- 8.62 Many small variations to layout will have no adverse impact on the licensing objectives.

However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or
- impeding the effective operation of a noise reduction measure such as an acoustic lobby.

- 8.63 Licensing authorities will also need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives. This emphasises the importance of having an up-to-date copy of the premises plan available.
- 8.64 An application to remove a licensable activity should normally be approved as a minor variation. Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.
- 8.65 For other licensable activities, licensing authorities will need to consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.

Licensing hours

- 8.66 Variations to the following are excluded from the minor variations process and must be treated as full variations in all cases:
- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
 - to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.
- 8.67 Applications to reduce licensing hours for the sale or supply of alcohol or, in some cases, to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.
- 8.68 Applications to vary the time during which other licensable activities take place should be considered on a case-by-case basis with reference to the likely impact on the licensing objectives.

Licensing conditions

a) Imposed conditions

- 8.69 Licensing authorities cannot impose their own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they should refuse it.

b) Volunteered conditions

- 8.70 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.
- 8.71 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence (for example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal). Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licence holder and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licence or certificate holders into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

c) Amending or removing existing conditions

- 8.72 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.
- 8.73 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

Full variations process

- 8.74 Any other changes to the licence or certificate require an application to vary under sections 34 or 84 of the 2003 Act.
- 8.75 Licensing authorities may wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan under section 17 of the 2003 Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).
- 8.76 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:

- extend a time limited licence;
- transfer the licence from one holder to another; or
- transfer the licence from one premises to another.

8.77 If an applicant wishes to make these types of changes to the premises licence, the applicant should make a new premises licence application under section 17 of the 2003 Act; or, to transfer the licence to another holder, an application under section 42 of the 2003 Act.

Relaxation of opening hours for local, national and international occasions

- 8.78 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George's or St. Patrick's Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.
- 8.79 However, exceptional events of local, national or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a one-off local festival or a Royal Jubilee.

Advertising applications

8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government's legislation website.

- 8.80 Applicants are required to:
- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
 - display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.
 - ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

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

9. Determining applications

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 should replicate 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

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 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.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

- 9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

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

Considering cases where licensing and planning applications are made simultaneously

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

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.

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 a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

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.

The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play⁷ which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

⁷ See chapter 15 for when a performance of a play is licensable.

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.⁸ This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.⁹ Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

⁸ No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

⁹ The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated premises supervisor

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex 1 of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

Drinking games

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

- 10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

- 10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Posters and flyers

- 10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

- 10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free potable water

- 10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Ban on sales of alcohol below the permitted price

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

Exhibition of films

- 10.59 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the

definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to ‘any film’, it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA’s Approved Contractor Scheme (section 15).
- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

- 10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

16. Regulated entertainment

Types of regulated entertainment

- 16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment are due to take effect on 6 April 2015. Therefore, up until that date you should refer to chapter 16 of the guidance published in October 2014.
- 16.2 The descriptions of entertainment activities licensable under the 2003 Act are:
- a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment;
 - a performance of live music;
 - any playing of recorded music;
 - a performance of dance; and
 - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:
- take place in the presence of a public audience, or
 - where that activity takes place in private, be the subject of a charge made with a view to profit.
- 16.4 Guidance around what constitutes audiences and private events is at paragraphs 16.11-16.14.

Overview of circumstances in which entertainment activities are not licensable

- 16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:
- activities which involve participation as acts of worship in a religious context;
 - activities in places of public religious worship;
 - education – teaching students to perform music or to dance;
 - the demonstration of a product – for example, a guitar – in a music shop;
 - the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;

¹⁸ The word 'licence' is typically used as a reference to all forms of authorisation

- Morris dancing (or similar)¹⁹;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity²⁰;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity²¹;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)²².

16.6 As a result of deregulatory changes that have amended the 2003 Act²³, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500²⁴.
- 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 an event between 08.00 and 23.00 on any day, provided that those present do 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.
- 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,

¹⁹ Including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.

²⁰ See paragraphs 16.57-16.61

²¹ See paragraphs 16.65-16.68

²² This was previously licensable under the 2003 Act until the commencement of the Live Music Act 2012.

²³ The Live Music Act 2012 (“2012 Act”) <http://www.legislation.gov.uk/ukpga/2012/2>; Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (“2013 Order”) <http://www.legislation.gov.uk/uksi/2013/1578/contents/made>; The Legislative Reform (Entertainment Licensing) Order 2014 (“2014 Order”) <http://www.legislation.gov.uk/uksi/2014/3253/introduction/made>; and the Deregulation Act 2015 (“2015 Act”).

²⁴ But see paragraphs 16.47 -16.48 in relation to dance that is adult entertainment and remains licensable.

provided that the audience does not exceed 500²⁵.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, 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 500²⁷.
 - 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.
- 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)

²⁵ Provided that a number of other important conditions are satisfied (see paragraphs 16.38-16.43).

²⁶ The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

²⁷ Provided that a number of other important conditions are satisfied, see paragraphs 16.38-16.43.

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.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely²⁸, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN)²⁹ could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).³⁰ Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.
- 16.9 The various effects of the changes made to entertainment licensing by the set of deregulatory changes between 2012 and 2015³¹ are described in greater detail in subsequent paragraphs:
- Music entertainment, see in particular paragraphs: 16.20-16.21; 16.26-16.33; and 16.36-16.44;
 - Plays, dance, and indoor sporting events, see in particular paragraphs: 16.34-16.35 and 16.45-16.48;
 - Local authority, hospital and school premises, see in particular paragraphs: 16.16-16.20
 - Community premises, see in particular paragraphs: 16.21-16.24 and 16.34-16.35
 - Circuses, see in particular paragraph 16.25
 - Boxing or wrestling entertainment, see in particular paragraphs: 16.49-16.51.

²⁸ See paragraph 16.12

²⁹ See chapter 7

³⁰ See paragraphs 16.70-16.72 in relation to other licensing regimes

³¹ An entertainment activity may meet the conditions of more than one exemption

General circumstances in which entertainment activities are licensable

- 16.10 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act, as amended³².

Audience

- 16.11 For the purposes of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present³³ and that the purpose of the licensable activity is (at least in part) intended to entertain any person present³⁴. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.
- 16.12 More than one entertainment activity (or for a single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

Private events

- 16.13 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.
- 16.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as

³² See examples at paragraph 16.5

³³ In some circumstances, such as un-ticketed live music events, a degree of judgement may be required as to whether persons are part of an audience. Factors to consider could include whether a person is within the perimeter of the premises, the audible range of the performance, and their visibility of the entertainment. In order to meet the definition of an entertainment activity in the 2003 Act, the activity must take place in the presence of an audience and be provided for the purpose, or for purposes which include the purpose of, entertaining that audience.

³⁴ For example, a darts championship competition hosted in part to entertain an audience could be a licensable activity, but a pub game of darts played for the enjoyment of the participants is not licensable.

being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided.

Circumstances in which entertainment activities are no longer licensable

16.15 No licence is required for certain entertainment activities on specified premises, as follows:

Local authorities, hospital healthcare providers and school proprietors: cross-entertainment activity exemption

16.16 No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00-23.00 on any day provided that:

- for entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has a relevant property interest, or is in lawful occupation;
- for entertainment provided by, or on behalf of, a health care provider it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- for entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

16.17 This Guidance cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case. However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises, where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority’s behalf on that local authority’s premises by a cultural trust in discharge of a local authority’s discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity;
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

16.18 It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party³⁵

³⁵ But see paragraph 16.20

does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority³⁶ merely facilitates through providing a public space³⁷.

- 16.19 All the terms used in this exemption, such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order³⁸.

Local authority, hospital and school premises: third party music entertainment

- 16.20 No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that:

- it is performed in front of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent³⁹ of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these “trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

Community premises: music entertainment

- 16.21 No licence is required for a performance of live music or the playing of recorded music on community premises⁴⁰, between 08.00-23.00 on any day provided that:

- the community premises are **not** authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises⁴¹;
- the music entertainment is in the presence of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent⁴² of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

³⁶ Or healthcare provider or school proprietor.

³⁷ The exemption would similarly not apply, for example, to a commercial company operating on premises belonging to a local authority under a long term lease.

³⁸ See footnote 20

³⁹ This requirement is designed to ensure that those responsible for the premises hosting the entertainment have considered and approved the effect of the event on other users of their premises and the wider community.

⁴⁰ The definition of community premises is covered in paragraphs 4.56-4.60 of this Guidance. A community premises is likely to be multi-functional and ‘other similar building’ within the definition cannot be stretched to ordinarily include a public house, a bingo hall, or other business premises or private property.

⁴¹ Where a community premises is licensed for the supply of alcohol by a premises licence (or exceptionally a club premises certificate), then any performance of live music or the playing of recorded music on relevant alcohol licensed premises may be subject to the conditional deregulation described in paragraphs 16.26-16.33.

⁴² See footnote 36

Community premises: exhibition of film

- 16.22 No licence⁴³ is required for an exhibition of a film on community premises⁴⁴ between 08.00-23.00 on any day provided that:
- the film entertainment is not provided with a view to profit⁴⁵;
 - the film entertainment is in the presence of an audience of no more than 500 people;
 - the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
 - a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent⁴⁶ of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.
- 16.23 Under this exemption, one condition is that the film entertainment is not being provided with a view to profit⁴⁷. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made solely to cover the costs of the film screening⁴⁸ is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.
- 16.24 This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy⁴⁹. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

⁴³ However, see paragraph 16.70 in relation to copyright

⁴⁴ See footnote 37

⁴⁵ See paragraph 16.23

⁴⁶ See footnote 36

⁴⁷ 'not provided with a view to profit' is the inverse of 'with a view to profit' mentioned in paragraph 16.13

⁴⁸ Legitimate costs of a film screening would include overheads directly relevant to providing the film entertainment (e.g. premises hire, film hire, equipment etc.)

⁴⁹ See 3rd bullet point in paragraph 16.22

Travelling circuses

16.25 Where types of entertainment are present in a performance by a travelling circus⁵⁰ they will not be licensable provided that certain qualifying conditions are met⁵¹. The qualifying conditions are that:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises⁵²;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces⁵³, in the presence of an audience of more than 500 people⁵⁴; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review⁵⁵.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

⁵⁰ 'Travelling circus' is defined in the 2014 Order as meaning a circus which travels from site to site for the purpose of giving performances. Musical entertainment at a travelling fairground is likely to be incidental to the main attractions and rides that are not themselves regulated entertainment.

⁵¹ There is no audience limit for this exemption, but the conditions are designed to ensure that deregulation does not have unintended consequences for the licensing objectives – e.g. only bona fide travelling circuses qualify.

⁵² See Chapter 3 of this Guidance

⁵³ See paragraph 16.31

⁵⁴ The 2014 Order substituted "500" for "200" that was in the 2012 Act

⁵⁵ See paragraphs 16.55-16.56

- 16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance⁵⁶.

Key terms used in relation to live music

- 16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist⁵⁷ or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds⁵⁸. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.
- 16.31 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.
- 16.32 A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.⁵⁹

Recorded music

- 16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:
- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
 - where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;⁶⁰
 - where the playing of recorded music takes place at relevant licensed premises in the

⁵⁶ See paragraph 2.13. Post the 2013 Order, Section 177 can be relevant to a performance of dance after 23.00 on any day

⁵⁷ Karaoke is generally classed as a performance of live music

⁵⁸ This would include ‘scratching’

⁵⁹ TENs are covered in chapter 7

⁶⁰ See Chapter 3 of this Guidance

presence of an audience of more than 500 people; and

- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).⁶¹

Plays and dance

16.34 No licence is required for a performance of a play or dance to the extent that certain qualifying conditions⁶² are satisfied. However a performance of a play or dance remains licensable:

- where the performance takes place before 08.00 or after 23.00 on any day; or
- where the performance takes place in the presence of an audience of more than 500 people.

Indoor Sport

16.35 No licence is required for an indoor sporting event to the extent that certain qualifying conditions⁶³ are satisfied. However an indoor sporting event remains licensable:

- where the event takes place before 08.00 or after 23.00 on any day;
- where the event takes place in the presence of more than 1000 spectators.

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions⁶⁴ (or conditions added on a determination of an application for a premises licence or club premises certificate⁶⁵) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g.

⁶¹ This would be by way of imposing a condition on a premises licence or club premises certificate as a result of a licence review, see paragraphs 16.55-16.56

⁶² See paragraphs 16.6 and 16.45-16.48

⁶³ See paragraph 16.6.

⁶⁴ In relation to relevant licensed premises, see paragraph 16.32

⁶⁵ See paragraphs 16.39-16.40

signage asking patrons to leave quietly) will continue to have effect.

- 16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.
- 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.
- 16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.⁶⁶

Beer gardens

- 16.42 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.
- 16.43 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace⁶⁷. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.
- 16.44 However, a licensing authority may, where justified⁶⁸, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

Plays, dance and indoor sport

- 16.45 Where qualifying conditions are satisfied⁶⁹, any current licence condition that relates to a performance of a play or dance, or an indoor sporting event for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.
- 16.46 Where, however, these non-licensable activities take place at the same time as other

⁶⁶ See paragraphs 16.55-16.56 and chapter 11.

⁶⁷ A beer garden is one example of a potential workplace, see paragraph 16.31. Whether other outdoor spaces (such as seating adjacent to a premises, a smoking shelter, or a car park) constitute a workplace, part of the licensed premises, or neither, will be a matter of fact in each case.

⁶⁸ Including on a licence review

⁶⁹ See paragraph 16.6

activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 16.52 and 16.53 (conditions relating to other non-licensable activities).

- 16.47 Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.⁷⁰
- 16.48 In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:
- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
 - relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

Boxing or wrestling entertainment and conditions relating to combined fighting sports

- 16.49 An indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and any contest, exhibition or display that combines boxing or wrestling with one or more martial arts (‘combined fighting sports’) is – whether indoors or not – a boxing or wrestling entertainment.
- 16.50 Where a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an ‘indoor sporting event’, the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.
- 16.51 A contest, exhibition or display of Greco-Roman wrestling, or of freestyle wrestling, between two participants (regardless of their sex) does not require a licence provided that certain qualifying conditions are met. They are that:
- it takes place in the presence of no more than 1,000 spectators;
 - it takes place between 08.00 and 23.00 on the same day; and
 - it take place wholly inside a building and the spectators present at that entertainment are accommodated wholly inside that building.

⁷⁰ Home Office Guidance is available at:

<http://webarchive.nationalarchives.gov.uk/20100413151441/http://crimereduction.homeoffice.gov.uk/crimereduction057a.pdf>

Conditions relating to other non-licensable activities

- 16.52 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, could create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 16.53 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities⁷¹ (and will generally be classed as a performance of live music⁷²) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers on an ‘open-mic’ night (which encompasses more than just live music), if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor at certain times, where the presence of customers in close proximity who had been consuming alcohol on the premises had led to serious disorder. In the first instance it is for the licensing authority to satisfy itself that a particular condition is appropriate and lawful in each case.

Removing licence conditions

- 16.54 A licence holder who wishes to remove conditions relating to activities that are no longer licensable⁷³ may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities should remove such conditions unless there are sufficiently serious and specific concerns about the effects of hosting deregulated entertainment activities along with the remaining licensable activities taking place in the premises.

Licence reviews: Live and recorded music

- 16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension⁷⁴ and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.
- 16.56 An application for a review in relation to relevant premises can be made by a licensing

⁷¹ As a result of the 2012 Act

⁷² Karaoke is generally classed as a ‘performance of live music’, and provided that it is genuinely taking place, it is not likely to be classed as the ‘playing of recorded music’

⁷³ A licence holder may favour removal if the previously licensable activity has “grandfather” conditions that are out of date, or unclear. Where such a condition in relation to live or recorded music is suspended, then the licence holder may wish to avoid any prospect of the condition being given renewed effect (were a suspension to be lifted following a licence review).

⁷⁴ See paragraph 16.38.

authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements⁷⁵.

Incidental music

- 16.57 The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.
- 16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment⁷⁶ such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required.
- 16.59 Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:
- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
 - Is the music advertised as the main attraction?
 - Does the volume of the music disrupt or predominate over other activities, or could it be described as 'background' music?
- 16.60 Conversely, factors which would not normally be relevant in themselves include:
- the number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
 - whether musicians are paid;
 - whether the performance is pre-arranged; and
 - whether a charge is made for admission to the premises.
- 16.61 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is "incidental" in the individual circumstances of any case.

⁷⁵ See Chapter 11 for more information about reviews under the 2003 Act.

⁷⁶ And as such, the music entertainment needs to be authorised under the 2003 Act. This would include music during a Greco-Roman or freestyle wrestling entertainment. While, depending on the circumstances, the Greco-Roman or freestyle wrestling may, or may not be licensable, it is still within the 'description' of a 'wrestling entertainment'.

Busking

- 16.62 Busking or street performance is the practice of performing in public spaces for money. Performances are not limited to music or singing and can take the form of a wide range of activities that people find entertaining.
- 16.63 Busking is generally **not** licensable under the 2003 Act as:
- it often occurs in a place that is not a premises made available (at least in part) for the purposes of providing entertainment⁷⁷;
 - the entertainment is usually incidental to another activity, such as shopping or sightseeing, as there are few circumstances in which anyone would go out specifically to watch buskers; and
 - any unamplified live music is not licensable between 08.00 and 23.00⁷⁸.
- 16.64 Local authorities may have policies on busking, including codes of conduct or permit regimes and occasionally byelaws and legislation specific to a local authority – although many localities have no policy or restrictions.

Incidental film

- 16.65 An exhibition of a film within the meaning of paragraph 15 of Schedule 1 to the 2003 Act is not regulated entertainment if it is ‘incidental’ to another activity “which is not itself a description of entertainment falling within paragraph 2” of Schedule 1 to the 2003 Act.
- 16.66 The incidental film exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08.00 and 23.00 on the same day before an audience which does not exceed the relevant limit. Such activities would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while any exhibition of moving pictures cannot be incidental to a boxing or wrestling entertainment⁷⁹, such film displays may be within the scope of the incidental film exemption for an indoor sporting event or performance of a play or dance for which no licence is required.⁸⁰
- 16.67 Whether or not an exhibition of moving pictures is “incidental” to another activity will depend on the facts of each case. In considering whether or not film is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of an exhibition of moving images will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. This would mean that if the BBFC or the relevant licensing authority has given an age rating to a film, video, or music video, then to qualify for the “incidental film” licensing exemption, the admission of children to the premises will need to be restricted in accordance with the appropriate age rating. But that is one aspect of one relevant factor. Other factors to consider in assessing whether film is incidental might include some or all of the following:

⁷⁷ See paragraph 16.3

⁷⁸ See paragraph 16.28

⁷⁹ And as such, the film display needs to be authorised under the 2003 Act. This would include moving pictures during a Greco-Roman or freestyle wrestling entertainment. While, depending on the circumstances, the Greco-Roman or freestyle wrestling may, or may not be licensable, it is still within the ‘description’ of a ‘wrestling entertainment’.

⁸⁰ For indoor sporting events, it takes place between 08.00 and 23.00 in front of an audience which does not exceed 1,000.

- Is the film the main, or one of the main, reasons for people attending the premises and being charged?
- Is the film advertised as the main attraction?
- Does the screening of the film predominate over other activities, or could it be described as ‘background’ images?
- Does the appearance of moving pictures within another entertainment activity, for which no licence is required (e.g. a performance of a play or dance⁸¹), undermine the promotion of the licensing objectives?

16.68 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether film is “incidental” in the individual circumstances of any case.

Entertainment activity provided as part of childcare

16.69 Entertainment activity that is provided as part of childcare will generally not be licensable. This includes entertainment activity in a nursery or private home. In addition, paragraph 5 of Schedule 1 to the 2003 Act includes a licensing exemption for an exhibition of a film where the main purpose is to provide education. Education will generally include all forms of pre-school child and day care. Furthermore, an exhibition of a film, or the playing of live or recorded music, will generally be incidental to the activity of childcare and so the incidental music and film exemption in paragraph 7 of Schedule 1 will also apply⁸². This will generally be the case for any entertainment activity organised as part of wraparound childcare⁸³, including breakfast clubs, after school clubs or holiday clubs linked to the child’s school or based in the local community.

Other Licensing regimes

Copyright

16.70 The deregulation of licensing for the provision of entertainment under the 2003 Act does not remove the requirement for licences for the use of copyright works. Entertainment activities as described in paragraph 16.2 may require music and screening licences for example. The acquisition of such licences will make the entertainment compliant with the Copyright, Designs and Patents Act 1988.⁸⁴

Leafleting

16.71 The deregulation of entertainment licensing does not remove the prohibition on the unauthorised distribution of free printed matter in an area that has been designated under Schedule 3A of the Environmental Protection Act 1990⁸⁵. The organisers of the event or entertainment may need to obtain consent from the relevant principal litter authority before giving out free printed promotional material (leaflets, flyers, cards etc.) in a public place in certain areas.

⁸¹ See paragraph 16.34

⁸² See paragraphs 16.57-16.68

⁸³ Childcare for school aged children around traditional school hours

⁸⁴ Further information concerning how to acquire such licences can be found on <http://www.copyrightthub.co.uk>

⁸⁵ <http://www.legislation.gov.uk/ukpga/1990/43/schedule/3A>

Child performers

16.72 Child performance legislation⁸⁶ requires that a licence must be obtained from a child's home local authority before a child can take part in certain types of performance and activities. A licence may be required whether or not any payment is made for the child to perform. The deregulation of entertainment licensing does not alter the regulations on when children can take part in performances⁸⁷.

⁸⁶ Children and Young Persons Act 1993 and 1963; The Children (Performance) Regulations 1968 as amended.

⁸⁷ The Children (Performances) Regulations 1968



East Cambridgeshire District Council

Licensing Act 2003

STATEMENT OF LICENSING POLICY



Published: 10 November 2020
Effective: 7 January 2021

Representations

- 1.51 Any Responsible Authority or “other person” may make relevant representations on applications for the grant or variation or minor variation of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.52 A representation will only be ‘relevant’ if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, in the case of a representation submitted by an “other person”, the representation must not be frivolous or vexatious.
- 1.53 The licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made, including the name and address of the person who submitted it. Unless a person making a representation can satisfy the licensing authority that there are exceptional reasons as to why their name and address should not be made public (in which case some or all of their details may be withheld), these details will be released. Due to this “other persons” may wish to approach a responsible authority or ward councillor with their concerns.
- 1.54 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates’ Court against the decision of the committee.
- 1.55 Where the Responsible Authorities or an “other person” does not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Conditions

- 1.56 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.57 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations, or in the case of a temporary event notice relating to an event being held on a licensed premises where an objection notice is received, and it has been satisfied at a hearing that it’s appropriate to impose conditions due to the representations/ objection notice raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of consideration of the representations/ objection notice.
- 1.58 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and

thereby achieves the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.

- 1.59 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 1.60 Where relevant representations are made, the Licensing Authority will weigh up all the evidence and determine the application with the requirement to uphold the licensing objectives at the front of their minds.
- 1.61 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
- 1.62 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These could include
- planning controls
 - positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport **operators, etc.**
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder, anti-social behaviour and ASBOs, including the issuing of fixed penalty notices for disorder, making dispersal orders, etc.
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - the confiscation of alcohol from children and adults in designated areas
 - police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- 1.63 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such. The Licensing Authority reserves the legal right to amend the wording of offered prohibitions or restrictions to ensure they are clear and enforceable, but will ensure that the amended wording does not go beyond the original offering.
- 1.64 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be appropriate for promotion of the licensing objectives.

3.0 LICENSING OBJECTIVES

- 3.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 3.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 3.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 3.4 **The selection of control measures, referred to in 3.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and

training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

- 3.5 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 3.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 3.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 3.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could include
- the nature of the premises or event
 - the availability of alcohol treatment services to the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the age of the customers
 - the attendance by customers with disabilities or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation
 - nature and provision of facilities for ventilation
 - provision of seating
 - retention of room divisions to minimise the effect of any disorderly activity
 - use of separate areas in single-room pubs to minimise the effect of any disorderly activity.
- 3.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as

door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

4.0 PREVENTION OF CRIME AND DISORDER

- 4.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.
- 4.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 4.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**
- 4.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include
- under-age drinking
 - drunkenness on premises
 - public drunkenness
 - drugs
 - violent behaviour
 - anti-social behaviour.
 - alcohol pricing, and marketing
- 4.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
 - training and supervision of staff
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)

- acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- employment of Security Industry Authority licensed door supervisors
- provision of toughened or plastic drinking vessels
- provision of secure, deposit boxes for confiscated items ('sin bins')
- provision of security measures, such as lighting outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

4.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

4.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.

4.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten clear working days, or five clear working days (Late TENs) minimum statutory notice, to enable the police, and environmental health to consider them. The Licensing Authority acknowledges that 'working days notice' means working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

5.0 PUBLIC SAFETY

- 5.1 East Cambridgeshire District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 5.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered. These could include
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (e.g. age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- 5.3 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- suitable and sufficient risk assessments
 - effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
 - provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
 - provision of toughened or plastic drinking vessels
 - implementation of crowd management measures

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

6.0 PREVENTION OF PUBLIC NUISANCE

- 6.1 Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. East Cambridgeshire District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 6.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.**
- 6.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance may be suitable for 24-hour opening.
- 6.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.
- 6.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 6.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and, in particular, the presence of noise-limiting features
 - the occupancy capacity of the premises
 - the availability of public transport

- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time.

6.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting
- management arrangements for collection and disposal of litter
- effective ventilation systems to prevent nuisance from odour.

7.0 PROTECTION OF CHILDREN FROM HARM

7.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

7.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

7.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm. Potential harm can come from interactions with other persons, and from the broadcast of media such as, the exhibition of films, or the transmission of live broadcast programmes or social media whilst on licensed premises.

7.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is appropriate, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person

who has given a temporary event notice, subject to compliance with the general provisions of the 2003 Act.

7.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

7.6 Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- where there's a known association with drug taking or dealing
- where there's a known association with the provision of illicit goods
- where the premises or event supplying alcohol is in close proximity to services where young and/or vulnerable persons may frequent
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- avoiding alcohol branding that is targeted at young persons, such as alcopops
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol

- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

- 7.8 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or East Cambridgeshire District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if appropriate.**
- 7.9 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.
- 7.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate.