LICENSING PANEL

AGENDA

Meeting to be held virtually through Microsoft Teams software on Tuesday, 28th July 2020 at 12.30 pm

(This virtual meeting will be livestreamed to YouTube and recorded, the meeting can be accessed at www.bassetlaw.gov.uk. The video archive can be accessed on the Council’s website)

Please turn mobile telephones to silent during meetings.

In accordance with the Openness of Local Government Bodies Regulations 2014, audio/visual recording and photography at Council meetings is permitted in accordance with the Council’s protocol ‘Filming of Public Meetings’.
LICENSING PANEL

Membership

Members to be drawn from Licensing Committee:

Councillors


Lead Officer for this Meeting

Stephen Wormald

Administrator for this Meeting

James Lavender
REPORT OF THE SENIOR LICENSING OFFICER ( LICENSING AND REGULATORY )

APPLICATION FOR A NEW PREMISES LICENCE
NORTHFIELD STORES NORTFIELD WAY RETFORD DN22 7LJ

Cabinet Member: Co-operative and Corporate Services
Contact: Rowland W Wilson

1. Public Interest Test

1.1 The author of this report Rowland W Wilson has determined that the report is not confidential.

2. Purpose of the Report

2.1 To consider an application for a new Premises Licence, as set out in Paragraph 3 of the Report.

3. Background and Discussion

3.1 The Applicant

Mr Santhosh Alaguraj
Agent : Arka Licensing consultants Trident Business Centre 89 Bickersteth Road London SW17 9SH

Premises

Northfield Store
Northfield Way
Retford Notts
DN22 7LJ

3.2 An application for a new Premise Licence was submitted on 8 June 2020. The premises are described in the application as

THIS PREMISES HAD BEEN A PET AND ANIMAL FEED STORE. IT WILL NOW BE UNDER NEW OWNERSHIP AS A CONVENIENCE STORE AND PET FOOD STORE.

APPLICANT HAS BEEN IN RETAIL MANAGEMENT OVER 10 YEARS. THIS STORE WILL BE A ONE STOP CONVENIENCE STORE FOR LOCAL PEOPLE NEED.

THE STORE WILL ALSO HAVE A LARGE SECTION DEDICATED TO PET FOOD TO
3.3 In summary the application is to provide the following licensable activities:

3.4.1 Permit off sales of alcohol between 06.00 & 23.00 Monday to Sunday.

3.4.2 The hours the premises will be open to the public will be 06.00 & 23.00 Monday to Sunday.

3.5 The proposed Designated Premise Supervisor (which is legally required for all premises that are to supply alcohol) is Santhosh Alaguraj.

3.6 The steps which the Premise Licence holder will take to promote the Licensing Objectives are set out at Section M of the application form.

3.7 A full copy of the application (Appendix A) is appended to this report together with a plan of the new premises (Appendix B).

4. **Relevant Representations**

4.1 Four valid representations objecting to the proposed new premises licence has been made by local residents, (Appendix C).

4.2 copies of the representations made are attached to this report prepared for this hearing.

4.3 Members should note that the representations received refer to matters which do not relate to the Licensing Objectives, which are

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of Children From Harm
- Public Safety

4.5 Members are reminded that they are limited to considering any information contained in the representation which are said to undermine one of the four licensing objectives only.

4.6 The applicant and all persons who submitted a representation to this application have been sent a formal notification of this hearing together with a letter informing them about the procedure for the hearing, but at the time of writing this report the objectors had not all confirmed attendance. Members must therefore proceed to consider the matter based solely on the content of the written representations received.

4.7 As required by The Licensing Act 2003 the application was sent electronically to all Responsible Authorities the day after the application was received. A response was received from Nottinghamshire Police requesting further conditions beyond those which Mr Alaguraj had entered on Section M of the application. Nottinghamshire Police are a Responsible Authority, for the purpose of the Licensing Act 2003, pursuant to
Section 13 of the Licensing Act 2003. The below conditions have been agreed, and if the licence is granted today will be added to the new licence.

1) An internal & external CCTV system with recording equipment shall be installed internally and externally and maintained at the premises and noted on the plan. All recorded images shall:

- Be of evidential quality in all lighting conditions; and
- Indicate the correct time and date; and
- Be retained for a period of at least 31 consecutive days

Sufficient staff must be trained to use the system, as recorded images must be made available for inspection and downloading immediately on responsible authority request.

All downloaded images must be provided in a format that is viewable without the need for specialist equipment and/or software

2) A Challenge 25 scheme shall operate at the premises. Any person who appears to be under 25 years of age shall not be allowed the sale or supply of alcohol unless they produce an acceptable form of photo identification (e.g. a passport, driving licence, PASS accredited card or Armed Forces ID.)

3) Challenge 25 notices will be displayed in prominent positions throughout the premises

4) A refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Such records shall show:

- The basis for the refusal;
- The person making the decision to refuse; and
- The date and time of the refusal.

Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police or any other authorised person upon request.

5) A bound incident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police or any other authorised person upon request and all such books shall be retained at the premises for at least 12 months.

6) All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be retained at the premises for a minimum period of 12 months and available for inspection upon request by a Police Officer and/or authorised person.
4.8 No other relevant response was received within the statutory 28 days from any other Responsible Authority I.E. Safeguarding, Trading Standards, Bassetlaw Environmental Health, Notts fire Safety, Bassetlaw Council Planning.

6. **Miscellaneous Matters**

6.1 A copy of the relevant sections of the guidance issued under Section 182 Licensing Act 2003 is enclosed (Appendix D) which has been prepared for the hearing.

6.2 A copy of Bassetlaw District Council’s Statement of Licensing Policy is enclosed as part of this report (Appendix E).

6.3 A street plan showing the location of the premises and the proximity of where the residents who have raised representation reside is enclosed (Appendix F).

7. **Options, Risks and Reasons for Recommendations**

7.1 Both the Applicant and all persons raising a representation have been invited to attend the virtual Licensing Panel hearing and are able to speak at the meeting.

7.2 Once members have considered the representations made at the Licensing Panel Hearing they are required to take such steps as they consider necessary for the promotion of the licensing objectives which are;

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of Children From Harm
- Public Safety

7.3 The steps are 

(a) To grant the licence subject to-

   (i) Such conditions as are consistent with the application, to such an extent as the Panel considers necessary for the promotion of the licensing objectives; and
   
   (ii) Any conditions which must under Section 19, 20 or 21 Licensing Act 2003 be included in the application

(c) To refuse the application

8. **Recommendations**

8.1 That members, of the Licensing Panel, consider the representations at the hearing and take such of the steps outlined at paragraph 7.3 of this report as it considers necessary for the promotion of the Licensing Objectives.

<table>
<thead>
<tr>
<th>Background Papers</th>
<th>Location</th>
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<tbody>
<tr>
<td>Application papers</td>
<td>Legal Services – Licensing</td>
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<tr>
<td>Licensing Act 2003</td>
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</table>
Appendix A – Copy of new Application Northfield Stores
Appendix B – Copy of plan for Northfield Stores
Appendix C -  Copy of Four representations received
Appendix D – Copy of relevant guidance issued under S182 Licensing Act 2003
Appendix E – Copy of Bassetlaw District Council current Licensing Policy
Appendix F – Street plan showing location of premises and location of residents.
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 SANTHOSH ALAGURAJ
(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
NORTHFIELD STORE (FORMERLY PET AND ANIMAL FEEDS)
NORTHFIELD WAY

<table>
<thead>
<tr>
<th>Post town</th>
<th>RETFORD</th>
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<tbody>
<tr>
<td>Postcode</td>
<td>DN22 7LJ</td>
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</tbody>
</table>

Telephone number at premises (if any) | Non-domestic rateable value of premises £ 10750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals *
- b) a person other than an individual *
  - i) as a limited company/limited liability partnership
  - ii) as a partnership (other than limited liability)
  - iii) as an unincorporated association or
  - iv) other (for example a statutory corporation)
- c) a recognised club
- d) a charity
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)

<table>
<thead>
<tr>
<th>Surname</th>
<th>First names</th>
<th>Other Title (for example, Rev)</th>
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<tbody>
<tr>
<td>ALAGURAJ</td>
<td>SANTHOSH</td>
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<tr>
<th>Date of birth</th>
<th>I am 18 years old or over</th>
<th>Please tick yes</th>
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<th>Nationality</th>
<th>BRITISH</th>
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<tr>
<th>Current residential address if different from premises address</th>
<th>20 LECONFIELD CLOSE LINCOLN</th>
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<th>Post town</th>
<th>Postcode</th>
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<tr>
<td>LINCOLN</td>
<td>LN6 0NU</td>
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Daytime contact telephone number

E-mail address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit ‘share code’ provided to the applicant by that service (please see note 15 for information)
SECOND INDIVIDUAL APPLICANT (if applicable)

<table>
<thead>
<tr>
<th>Mr</th>
<th>Mrs</th>
<th>Miss</th>
<th>Ms</th>
<th>Other Title (for example, Rev)</th>
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</thead>
</table>

Surname | First names

Date of birth | I am 18 years old or over | Please tick yes

Nationality

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

Current residential address if different from premises address

Post town | Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name

Address

Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)

E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?  
DD MM YYYY  
0 10 8 2 0 0

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)  
THIS PREMISES HAD BEEN A PET AND ANIMAL FEED STORE. IT WILL NOW BE UNDER NEW OWNERSHIP AS A CONVENIENCE STORE AND PET FOOD STORE.

APPLICANT HAS BEEN IN RETAIL MANAGEMENT OVER 10 YEARS. THIS STORE WILL BE A ONE STOP CONVENIENCE STORE FOR LOCAL PEOPLE NEED.

THE STORE WILL ALSO HAVE A LARGE SECTION DEDICATED TO PET FOOD TO SUPPORT LOCAL NEED.

THE STORE WOULD BE TOTALLY REFITTED/RENOVATED TO HIGH STANDARD, INCLUDING HIGH SPEC CCTV SYSTEM.

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

What licensable activities do you intend to carry on from the premises?  
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)  
Please tick all that apply

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

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

In all cases complete boxes K, L and M
## Plays

Standard days and timings (please read guidance note 7)

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**Will the performance of a play take place indoors or outdoors or both – please tick**

Indoors □

Outdoors □

Both □

(please read guidance note 3)

**Please give further details here** (please read guidance note 4)

State any seasonal variations for performing plays (please read guidance note 5)

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)
<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
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<th>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)</th>
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<td><strong>Please give further details here</strong> (please read guidance note 4)</td>
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<td><strong>State any seasonal variations for the exhibition of films</strong> (please read guidance note 5)</td>
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<td><strong>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</strong> (please read guidance note 6)</td>
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### Indoor sporting events
Standard days and timings (please read guidance note 7)

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**Please give further details** (please read guidance note 4)

**State any seasonal variations for indoor sporting events** (please read guidance note 5)

**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** (please read guidance note 6)
<table>
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<tr>
<th>Day</th>
<th>Start</th>
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<th>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</th>
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### Live music
Standard days and timings (please read guidance note 7)

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**Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)**

- Indoors: ☐
- Outdoors: ☐
- Both: ☐

**Please give further details here** (please read guidance note 4)

**State any seasonal variations for the performance of live music** (please read guidance note 5)

**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)
**Recorded music**

**Standard days and timings (please read guidance note 7)**

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>Finish</th>
<th>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)</th>
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<td>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)</td>
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</table>
**Performances of dance**  
Standard days and timings (please read guidance note 7)

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<tr>
<th>Day</th>
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<th>Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)</th>
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<td>State any seasonal variations for the performance of dance (please read guidance note 5)</td>
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<td>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)</td>
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</table>
**Anything of a similar description to that falling within (e), (f) or (g)**

Standard days and timings (please read guidance note 7)

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>Finish</th>
<th>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</th>
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<tr>
<td>Mon</td>
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<td>Indoors □</td>
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<td>Please give further details here (please read guidance note 4)</td>
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<td>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</td>
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<td>Sat</td>
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<td>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 (please read guidance note 6)</td>
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<tr>
<td>Day</td>
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<td>Late night refreshment Standard days and timings (please read guidance note 7)</td>
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### Supply of alcohol

<table>
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<tr>
<th>Day</th>
<th>Start</th>
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<th>Standard days and timings (please read guidance note 7)</th>
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**Will the supply of alcohol be for consumption – please tick** (please read guidance note 8)

<table>
<thead>
<tr>
<th>On the premises</th>
<th>Off the premises</th>
<th>Both</th>
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**State any seasonal variations for the supply of alcohol** (please read guidance note 5)

**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)

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: SANTHOSH ALAGURAJ
- Date of birth: 16/06/1977
- Address: 20 LE CONFIELD CLOSE, LINCO LN
- Postcode: LN6 0NU
- Personal licence number (if known): 13/00260/LAPER
- Issuing licensing authority (if known): WATFORD COUNCIL
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).

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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)

State any seasonal variations (please read guidance note 5)
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)

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<tr>
<td>1.</td>
<td>A CCTV system shall be installed and maintained at the premises to cover the entrance and internal public areas, recorded images shall be kept for 31 days and provided to Police or Council Officers, in a useable form, upon request.</td>
</tr>
<tr>
<td>2.</td>
<td>Ensure an incident book is maintained at the premises to record details of any incidents the nature of which may have compromised any of the licensing objectives under the Licensing Act 2003. CCTV recording dates &amp; times shall be linked to incident book entries.</td>
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<tr>
<td>3.</td>
<td>Ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed inside and outside the premises.</td>
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<tr>
<td>4.</td>
<td>Ensure that all staff are given regular training in relation to the Licensing Act 2003. Training records will be kept at the premises and refresher training will be given to all staff every year.</td>
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<tr>
<td>5.</td>
<td>Ensure a ‘refusals register’ is in use at the premises to record age related and other refused sales in electronic form or in a hard copy.</td>
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**b) The prevention of crime and disorder**

AS DETAILED ABOVE

**c) Public safety**

AS DETAILED ABOVE

**d) The prevention of public nuisance**

AS DETAILED ABOVE

**e) The protection of children from harm**
AS DETAILED ABOVE

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration

- [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).

<table>
<thead>
<tr>
<th>Signature</th>
<th>NIRA SURESH</th>
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<tr>
<td>Date</td>
<td>08/06/2020</td>
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<tr>
<td>Capacity</td>
<td>LICENSING AGENT</td>
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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.

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Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

ARKA LICENSING CONSULTANTS
TRIDENT BUSINESS CENTRE
89 BICKERSTETH ROAD

<table>
<thead>
<tr>
<th>Post town</th>
<th>LONDON</th>
<th>Postcode</th>
<th>SW17 9SH</th>
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<tr>
<td>Telephone number (if any)</td>
<td>07803 903 897</td>
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

CONTACT@ARKALICENSING.CO.UK
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<th>Identification</th>
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<td>B</td>
<td>RETAIL FLOOR - FLOATING SHELVES</td>
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<tr>
<td>C</td>
<td>SALES COUNTER</td>
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<td>FIRE EXIT</td>
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<td>G</td>
<td>KITCHEN</td>
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<td>H</td>
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<td>ALCOHOL DISPLAY</td>
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**Scale 1:100**

**Dimensions:**
- 18000 mm
- 11500 mm
To whom it may concern.
I am writing with reference to the proposed sale of alcohol at the above premises. I wish to strongly oppose this application.
I live very close to this shop and do not want the noise, unsociable behaviour and litter that this will attract. A day time grocery shop is one thing but once you add alcohol to the equation and early morning, late nights it impacts on this relatively quiet area. There are many pensioners living close by, some with health issues and they are very concerned about this.
There are already 3 shops within walking distance of these premises all of which sell alcohol. Do we really need another? NO! I do not think we do.
Regards, Dawn Chambers
55,Northfield Way
Retford
DN22 7LW
Sent from Outlook Mobile
Licencing Team,  

With regards to the application to open an off licence on Northfield Way, HAUCROFT, RETFORD.  

We strongly object to this.  

The shop is on the corner of a busy crossroad which has been subject to many accidents and near misses over the years.  

There are o.a.p. bungalows turning along the three other corners of the crossroads.  

The area is a quiet residential area & opening an off licence from 6am to 11pm 7 days a week will change this area considerably.  

Restricted parking will encourage
Parking on grass verges etc.

It will also encourage people to hang around late at night and consequently there will be noise.

Rind Myerell

P. Miccolis

T. Miccolis
Without Prejudice.
TO WHOM IT MAY CONCERN.

I Mrs Fwed Collins would formally like to object to any 'licence' being granted for the above property.
The reasons are;

a) A shop, with a licence, to sell alcohol, on a busy, cross-roads, bus route, children's school route, near elderly, vulnerable people living in council bungalows is totally un-necessary as there are such shops very close by on Hallcroft Road, less than 5 minutes’ walk away, and on Sandringham Road, which is less than 10 minutes’ walk away. There are also plans in the pipeline for a Co Op to be established in the old pub on Hallcroft Rd or on at the old Honda garage on North Rd, either in walking distance. This is not a huge estate and we do not need more shops to cover the area. Better use could be made of the building for the community, rather than cause a public nuisance for residents who might fear for their safety and wellbeing.

b) There is already crime situated around what was the Pet Shop, with youths gathering late at night drinking alcohol causing damage to the shop as well as surrounding properties and cars. The shop window has been smashed on numerous occasions by youths drinking alcohol and smashing bottles on the pavement and road. Indeed, the shop has been 'ram raided' in the past, necessitating bollards to be installed. Residents have named this area as “druggies-corner”, for obvious reason. This type of behaviour not only devalues housing, but also the reputation of law-abiding residents, and endangers children and elderly residents directly.

c) Adjoined to the shop are two households. In one house the residents are an 88 years old and her son who is desperately ill. To the other side I believe is a Nurse and her family who not only have very young children, but works shifts. Many residents in close proximity have school aged children, who do not want them subjected to the visual, spectacle of alcohol use OR the noise of an 06:00 to 23:00 opening time. Good grief not even builders are allowed to start work before 08:00 in a morning!

d) How are we as residents in this elderly neighbourhood expected to feel safe in or out of our homes with a shop selling alcohol and other items from 6 in the morning until 11 at night? We had enough problems over the years with anti-social behaviour caused by youths congregating outside that shop at night. The noise, damage, smashed glass, fights etc, etc. The elderly/disabled folk living in the bungalows have already also had their fair share or crime, disorder and a general feeling for their safety over the years with people bringing/drinking alcohol and sitting at that shop. One bungalow resident had her house ransacked whilst she was in hospital (she is blind), another his car damaged beyond repair, another eggs and tomatoes thrown at their front window!

The shops either end of the estate more than serve the community well. We already have a problem with alcohol related fighting and very loud music at Hallcroft end of West Furlong, we do not need a ready supply of either alcohol or an open shop until 11 at night. The area would become a danger during daylight hours with traffic and a danger in darkness more so.
from traffic and people. I personally have nearly been knocked over by cars driving over the pavement to park outside the shop. I asked Nottingham County Council several years ago to bollard off the pavement from the shop to West Furlong, which they did, as a car driving along the pavement nearly knocked me over. I have also been threatened in the past by people congregating around the shop in an evening.

The residents of 31 West Furlong, have endured for years, the noise, drunken behaviour, smashing of glass, damage to their hedge, eggs and tomatoes thrown at their window, the fear of someone in their front garden, looking through their windows, knocking on the door and this is all without a 6 until 11 ready supply of nuisance.

Perhaps someone from the council should visit the local residents who live with close proximity to the shop for their views. I have spoken to some residents this morning and no-one is happy at the prospect of noise, nuisance, disorder and disruption. Also, to note, not everyone is on the internet to object, may not be physically able to write or able to get to the post office during this time to buy a stamp and post a letter of objection. We thought there was 'something' in the shop deeds which prevents certain changes?

I write this objection with the authority of the residents of;
31 West Furlong, Mrs H Jenkinson, Mr S. Jenkinson.
27 West Furlong, Ms A. Jenkinson
Without Prejudice.
TO WHOM IT MAY CONCERN.

I would formally like to object to any 'licence' being granted for the above property. The reasons are:

a) A shop, with a licence, to sell alcohol, on a busy, cross-roads, bus route, children's school route, near elderly, vulnerable people living in bungalows is totally un-necessary as there are such shops very close by on Hallcroft Road, and Trinity Road area. We do not need more shops to cover the area. Better use could be made of the building for the community, rather than cause a public nuisance for residents who might fear for their safety and wellbeing.

b) There was already crime situated around what was the Pet Shop, with youths gathering late at night drinking alcohol causing damage to the shop as well as surrounding properties and cars. The shop window has been smashed on numerous occasions by youths drinking alcohol and smashing bottles on the pavement and road. Indeed, the shop has been 'ram raided' in the past, necessitating bollards to be installed. It is my understanding the shop is named 'druggies-corner', for obvious reason. This type of behaviour not only devalues housing, but also the reputation of law-abiding residents, and endangers children and elderly residents directly.

c) Immediately next to the shop, are two elderly households, one house the residents being 88 years old and her Son who is desperately ill. To the other side I believe is a Nurse, who not only has Very young children, but works shifts. Many residents in close proximity have school aged children, who do not want them subjected to the visual, spectacle of alcohol use OR the noise of an 06:00 to 23:00 opening time. Good grief not even builders are allowed to start work before 08:00 in a morning!

d) How are we as residents in this elderly neighbourhood expected to feel safe in or out of our homes with a shop selling alcohol and other items from 6 in the morning until 11 at night? We had enough problems over the years with anti-social behaviour caused by youths congregating outside that shop at night. The noise, damage, smashed glass, fights etc. The elderly/disabled folk living in the bungalows have already also had their fair share or crime, disorder and a general feeling for their safety over the years with people bringing/drinking alcohol and sitting at that shop. One bungalow resident had her house ransacked whilst she was in hospital (she is blind), another his car damaged beyond repair, another eggs and tomatoes thrown at their front window!

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The residents of 31 West Furlong, have endured for years, the noise, drunken behaviour, smashing of glass, damage to their hedge, eggs and tomatoes thrown at their window, the fear of someone in their front garden, looking through their windows, knocking on the door and this is all without a 6 until 11 ready supply of nuisance.

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I write this objection with the authority of the residents of:
31 West Furlong, Mrs H Jenkinson, Mr S. Jenkinson.
27 West Furlong, Ms A. Jenkinson, Mrs F. Collins.

H. Jenkinson

S. Jenkinson

A.C. Jenkinson

F. Collins
APPLICATIONS FOR PREMIES LICENCE

Relevant licensing authority

8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.

8.2 Section 13 of the 2003 Act defines the parties holding important roles in the context of applications, inspection, monitoring and reviews of premises licences.

Authorised persons

8.3 The first group—“authorised persons”—are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police and immigration officers are not included because they are separately empowered by the 2003 Act to carry out their duties.

8.4 For all premises, the authorised persons include:

- officers of the licensing authority;
- fire inspectors;
- inspectors with responsibility in the licensing authority’s area for the enforcement of the Health and Safety at Work etc Act 1974;
- officers of the local authority exercising environmental health functions

8.5 Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.

8.6 Where an immigration officer has reason to believe that any premises are being used for a licensable activity, the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the licensable activity.

Responsible authorities

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

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
• a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
• each local authority’s Director of Public Health (DPH) in England\(^4\) and Local Health Boards (in Wales);
• the local weights and measures authority (trading standards); and
• Home Office Immigration Enforcement (on behalf of the Secretary of State).

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

8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.

8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make “nil” returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.

8.11 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.

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

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 as 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.
Statement of Licensing Policy

EFFECTIVE FROM JANUARY 2019

Gambling Act 2005

Bassetlaw District Council
North Nottinghamshire
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1. Introduction

1.1 Bassetlaw District Council (“the Council”) is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies. The Statement of Licensing Policy can be reviewed and revised by the Council at any time.

1.2 Bassetlaw District is located in the north of Nottinghamshire. It has two principal town centres in Worksop and Retford (each with established late night economies), a number of villages (many of which are situated in rural locations), sporting venues and a range of local community facilities.

1.3 The Council recognises that licensed premises in the district are a major contributor to the district’s economy, attracting tourists and visitors, providing employment, and making for vibrant towns and communities. The Council also recognises the problems that can be caused if licensed activities are not properly managed and premises well run. The Council is mindful of the types of anti-social behaviour often associated with the late night economy, which can contribute significantly to a fear of crime. This can lead to people avoiding town centres at night and to a loss of civic pride if not controlled.

1.4 The Council believes that good management of the entertainment, alcohol and late night refreshment industries (and of the street environment within which it operates) is essential to the continued success of the district and to attracting the wide range of people who want to come here to work, to visit and to live. The Council recognises that live local performing arts and entertainment can enhance and enrich the leisure offer. The Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music in the area. The Council will also monitor the impact that the deregulation of live music has upon complaints about noise and associated nuisance.

1.5 The Council has obtained, in its own name, premise licences for appropriate public spaces within the District including areas in Worksop and Retford Town Centres and Council operated parks and open spaces. In this instance performers and entertainers would not need to obtain a licence or give a Temporary Event Notice themselves to enable a performance to be given in such places but would require the permission of the appropriate Council department as the Council are the licence holder. They would also need to adhere to any conditions relating to the use of such premises.

1.6 This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners, together with the licensed trade, to help the Council deal with issues that arise from licensable activities. This will be achieved by:-

- Establishing and building upon best practice within the industry;
- Recognising and facilitating the role of partners and stakeholders;
- Encouraging self-regulation by licensees and managers;
- Providing a clear basis for the determination of licence applications; and
• Supporting related policies and strategies of the District Council. To this end a list of policies and strategies of the District Council which are relevant to this Statement of Licensing Policy itself will be kept under review.
• An inspection and enforcement regime targeted at premises that present a high risk.

1.7 The Council is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Council will take in carrying out its licensing functions.

1.8 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular, the Council has consulted those persons and bodies as required by the guidance and given proper weight to their views.

1.9 Partnership working between Licensing Authorities in Nottinghamshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

1.10 This Policy Statement should not be regarded or interpreted as indicating that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed unless they are felt to be proportionate, necessary and appropriate.

1.11 There are certain matters which the Council is prevented from taking into account or from dealing with in a specified way. For example, the Council is not allowed to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that can be properly considered by the Council. Cumulative impact and related matters are dealt with in section 8 of this Policy Statement.

1.12 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of any Responsible Authority, other person or business to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
2. The Licensing Objectives and Licensable Activities

2.1 In exercising their functions under the Licensing Act 2003, Licensing Authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:
(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

2.2 Guidance on the Licensing Objectives is available on the Government’s websites at: https://www.gov.uk/alcohol-licensing

2.3 Licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holder and others.

2.4 The Act only covers certain “licensable activities” namely:-
(a) the sale by retail of alcohol
(b) the supply of alcohol by or on behalf of a club to a member
(c) the provision of “regulated entertainment” and
(d) the provision of late night refreshment
2.5 The definition of what constitutes “regulated entertainment” is complex and has been (and remains) the subject of Government deregulation. Whilst “regulated entertainment” potentially covers live or recorded music, dancing, plays, films, and certain types of sporting activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to the Licensing regime. Other legislation such as the Live Music Act 2012 has removed the ability of the Council to regulate live music at certain times and in certain circumstances. Deregulation initiatives have added further activities from those that are exempt from the licensing regime, particularly where it relates to entertainment taking place between 8am and 11pm and where that entertainment takes place before an audience of a prescribed size. It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Council will necessarily have the power to impose restrictions or conditions on such entertainment. Each activity is determined on its own circumstances and arrangements.

2.6 Where an activity is licensable the promotion of the Licensing Objectives is the paramount consideration for the Council. In the absence of valid representations from Responsible Authorities, other persons or businesses, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Licensing Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Council. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

2.7 Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The imposition of standardised conditions is prohibited as being disproportionate and burdensome. It should be noted, however, that the Council is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions are available on request from the Licensing Department.
3. How This Statement Of Policy Works

3.1 The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications;
- provide a clear framework for licensing strategies, including the effect known as 'cumulative impact';
- support wider strategies and policies of the Council.

3.2 The text of this Statement of Policy in bold type indicates the Policies with the reason for each policy shown immediately after in bold italics.

3.3 This Policy sets out the Council’s expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their Operating Schedules they may find that Responsible Authorities, other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the licensing objectives and meet this Policy. On appeal the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

3.4 In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.6 and 2.7 above. As a general rule the Council will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.
4. Strategic Links and Other Regulatory Regimes

4.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Examples of these strategies can be found in the Section 182 guidance produced by the Home Office. The Council will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Council and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.

4.2 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action.

4.3 The four statutory licensing objectives aim to reduce crime and disorder and increase public safety. Licensing policies are not currently required to address Public Health concerns, however, there is strong evidence that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related mortality. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity.

4.4 Whilst the exact relationship between alcohol and ill-health is often complex and affected by other factors such as the socioeconomic make-up of the neighbourhood, studies have found that local authorities’ greater use of licensing powers leads to reductions in alcohol-related hospital admissions in England (Institute of Alcohol Studies, 2017). In light of this, this Council has reviewed Public Health indicators both at District level from the Local Alcohol Profiles for England and at sub-district level.

4.5 Across the Bassetlaw District public health analysts have mapped a number of alcohol-related measures that are considered to have a negative impact on health and wellbeing to show how the relative levels of these measures vary across Nottinghamshire County Districts and Boroughs.

4.6 Measures used were selected for their relevance to licensing and public health and their availability at sub-district level and include alcohol-related hospital admissions, anti-social behaviour, crimes against the person including domestic violence, rate of persons in treatment for substance misuse, an estimate of the percentage of the population drinking at least once a day and deprivation.

4.7 This has identified some areas with relatively higher levels of harm and for Bassetlaw this includes parts of Harworth, Langold, East Retford, Worksop and Welbeck. Applications within these areas or surroundings should be aware of, and give consideration to, their contribution to the burden of alcohol-related harms to the health and wellbeing within the community.
4.8 Licensing policies are not currently required to address a premises social responsibility in relation to the environmental impact of the products which its uses and it way it deals with its business waste however the Council encourages licensed premises to engage in responsible recycling of the waste which is generated by the business as waste issues can link to public nuisance complaints linked to licensed premises.

5. Delivering Licensing Services

5.1 The Council will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through Bassetlaw District Council website, following the link for Licensing or by contacting the Licensing Department directly.

5.2 The Council’s Licensing Department will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Council’s Licensing Department may, in certain circumstances, act as a Responsible Authority. However, this will only be done in exceptional circumstances and the Council’s Licensing Department will not normally take over the role of other Responsible Authorities or parties.

5.3 Responsible Authorities are public bodies which must be fully notified of licence applications and are entitled to:

- Make relevant representations
- Request reviews
- Make representations with regard to cumulative impacts

Details of Responsible Authorities can be found on the Council’s website following the link for Licensing or by contacting the Council’s Licensing Department directly.
6. Applications, Notifications and their Consideration

6.1 The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Further advice on these processes is available on the Council’s website. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid. To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the Council as the Licensing Authority. Applicants are encouraged to seek advice from the Council and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being invalid/rejected.

6.2 The processes of applying for new premises licences and full variations of current premises licences are dealt with in the same way, involve serving the application on all Responsible Authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises.

6.3 The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence. These minor variations should not have a material effect on the way in which the premises are operated, and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those Responsible Authorities affected. If the application is refused the applicant can resort to the full variation process.

Representations

6.4 Where the Council receives an application for a new licence or a variation to an existing licence, the responsible authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative. Guidance on making a representation is available from the Home Office and a preferred form is available on the Council’s Licensing web page for individuals or groups to make their representations.

6.5 Submissions of representations made via e-mail will be accepted so long as there is a clear indication of who has submitted the representation, it is clear and legible and details of how that person or group can be contacted.

6.6 For a representation to be relevant it should be positively tied or linked by a causal connection to particular premises. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Council also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader, where there is no relevance or link was made to any of the licensing objectives.
6.7 Members of the public who wish to submit a representation need to be aware that their personal
details will be made available to the applicant. If this is an issue, they may contact their ward
Councillor or other locally recognised body such as a resident’s association about submitting a
representation on their behalf. The Council is not able to accept anonymous representations.

6.8 Where a representation proceeds to a hearing the Hearings Regulations allow for further
information to be put forward in support of that representation. However, that material must
only relate to the initial representation and must not add new grounds of objection. It is therefore
vitally important that as much detail and evidence as possible is included at the time the
representation is made. Representations made without supporting detail and evidence may be
viewed as frivolous or vexatious and disregarded.

6.9 It is for the Council to determine whether any representation by an interested party is, on its own
merits, vexatious or frivolous. The Council will determine this and make the decision on the basis
of what might ordinarily be considered to be vexatious or frivolous.

6.10 Where representations are received, the characteristics of an area and the impact that the
premises may have upon that area, will be a fundamental consideration in determining whether a
licence should be granted, and if so what conditions should be attached to it. Conditions will be
focused on matters that are within the control of individual licensees and others in possession
of relevant authorisations. These matters will centre on the premises being used for licensable
activities and the vicinity of those premises. What amounts to the “vicinity” will be a question of
fact to be determined in the light of the individual circumstances of the case. Consideration will
primarily be given to the direct impact of the licensed activity on those who live, work or
are engaged in business or other activities in the area concerned.

Responsible Authorities

6.11 Although the Council’s Licensing Department is a responsible authority in its own right, it expects
other parties such as local residents, Councillors or community groups should make
representations in their own right when they are reasonably able to do so rather than rely on the
Council’s Licensing Department to make representations for them.

6.12 The Director of Public Health is responsible for making representations and observations on
applications on behalf of health bodies. Public health is not yet a licensing objective but Public
Health is a responsible authority under the Licensing Act, and the Council believes that public
health has much to add to licensing in relation to the local populations’ alcohol related health
needs. Health bodies such as Public Health have unique access to data not available to other
responsible authorities which may inform licensing decisions. Public Health is useful in providing
evidence of alcohol related health harms particularly in relation to cumulative impact policies.

Panel/Committee Hearings

6.13 The Act creates a presumption that applications will be granted unless a valid representation is
raised. An application will then be determined by the Licensing Committee/Panel unless the issue
that led to the representation can be negotiated to an agreed conclusion between the parties.

6.14 The Council considers the effective and responsible management of the premises, the
instruction, training and supervision of staff and the adoption of best practice in the leisure
industry, which may include participation in such schemes as Pub Watch, Best bar None, Purple
Flag or Business Improvement Districts (BIDs), to be amongst the most important control
measures for the achievement of all of the Licensing Objectives.
Licensing Policies

7. Licensing Policy 1

The Council expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

7.1 Licensing law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises, rather it is part of a holistic approach to the management of the District.

7.2 Where appropriate the Council will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be had to the Section 182 Guidance in this respect and the following may be employed to address such behaviour and the potential for cumulative impact.

- Planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the Council’s area as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas.
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol (or allowing such a sale) to a person who is drunk.
- Police 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 excessive 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.
- Early Morning Alcohol Restriction Orders (EMROs).
- Any other local initiatives that similarly address these problems.
8. Licensing Policy 2

When preparing or considering applications, applicants, Responsible Authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

(i) The nature of the area within which the premises are situated.
(ii) The precise nature, type and frequency of the proposed activities.
(iii) Any measures proposed by the applicant in the Operating Schedule.
(iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
(v) Means of access to and exit from the premises.
(vi) The provision and availability of adequate seating and the restriction of standing areas.
(vii) Noise from the premises or people visiting the premises.
(viii) The potential cumulative impact (see below).
(ix) Other means and resources available to mitigate any impact.
(x) waste generated by the premises and the impact upon the local area.
(xii) Such other matters as may be relevant to the application.

**REASON:** To ensure that all relevant matters are taken into consideration during the application process.

8.1 The Council wishes to encourage high quality, well managed premises in its area. The Operating Schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:

• Knowledge of best practice
• That they understand the legal requirements of operating a licensed business
• Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003

8.2 The operating schedule must include all of the information necessary to enable the Council, responsible authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.

8.3 The Council will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms.

8.4 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise from one part of the premises to another, must be recognised and mitigated against.
8.5 Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully, and reflect this in their operating schedule. Shops, stores and supermarkets will normally be permitted to sell alcohol and or late night refreshment at any time when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours.

8.6 Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise-sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.

8.7 With regard to public nuisance, issues to be considered include the impact from light pollution, noxious smells and litter.

8.8 Waste from licensed premises can create problems if not handled with care. Businesses must have an adequate trade waste agreement for the disposal of their waste. A suitable storage facility should be provided on the premises until the waste can be collected and collections should not be made at anti-social hours where this is likely to disturb residents. The Council encourages the recycling of as much waste as possible generated by business. Arrangements should be made for this waste to be collected as trade recycling and bins should not normally be discharged or collections made between 11pm and 7am.

8.9 Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.

8.10 The Council is mindful of the responsibilities that licence holders have for preventing anti social behaviour on and within the vicinity of their premises. The Council must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District. Where appropriate, conditions will be imposed which reflect local crime prevention strategies.

8.11 Applicants are expected to have carried out the relevant assessments under other legislation (e.g. fire precautions, health and safety at work, etc) prior to submitting their applications. These assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing Policy 2 may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.

8.12 The Council recognises that drug use by people in a ‘club’ or ‘bar’ environment is not something that applies to all licensed premises. The Council will expect licensees to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises, to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises and work collaboratively with the Police to deal with any such issues.
8.13 Examples of recommended management practice to minimise Crime and Disorder:

- The provision of seating and restriction of ‘standing only’ premises to provide less congestion and potential for disorder
- Use of CCTV both within and outside the premises.
- Metal detection and search facilities.
- Procedures for risk assessing promotions and events such as “happy hours” and plans for minimising such risk.
- Measures to prevent the use or supply of illegal drugs.
- Employment of licensed door supervisors and other appropriately trained staff.
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure and social drinking environment e.g. bar tariffs (for all bar price lists to carry a guide of how many units of alcohol each individual drink contains) and recommendations that all licensees, managers or supervisors attend regular meetings or send a representative if they cannot attend.
- The licensee providing a taxi call point, waiting and concierge service for taxi marshalling at the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g. playing quieter music and promoting non-alcoholic drinks towards the end of the event, ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.

8.14 Examples of recommended management practice to ensure public safety:

- The preparation and application of appropriate risk assessments.
- The setting and monitoring of occupancy levels for the premises.
- Reasonable facilities, access and egress for people with disabilities.
- Having glassware policies.

8.15 Examples of recommended management practice for the protection of children:

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.

8.16 Examples of recommended management practice for the protection of children for the Supply of Alcohol (Off Sales)

- the display of prominent warning notices about the supply of alcohol to minors;
- knowledge of the offences which adults can commit by buying alcohol for minors;
- the requirements for production of satisfactory proof of age;
- a commitment to the promotion of age verification schemes (i.e. Challenge 21 / Challenge 25);
- whether any high strength beers, lagers, ciders, etc will be made available for sale.

8.17 Examples of recommended management practice for preventing nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise break-out.
- Sound limiting devices, or insulation to contain sound and vibration so as to address noise break-out not only from music but also, for example, from air handling equipment, generators or patrons.
• With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.
• Proper and adequate door supervision.
• Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.
• Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
• Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.
• In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
• Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.
• Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
• Adequate provisions for dealing with litter/refuse arising from the operation of premises.
• Appropriate times for, and methods of dealing with, bottle delivery, disposal and collection.
• The licensee providing a help line or contact number for concerned residents.

8.18 In some cases it may be helpful for applicants and/or their advisors to discuss their draft Operating Schedule with representatives of Responsible Authorities, before it is submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

8.19 In order to provide a consistent and clear approach, when considering the addition of conditions to a licence the Council will where possible use a condition from a ‘pool of potential conditions’ that has been agreed by all the Licensing Authorities in Nottinghamshire. Other Responsible Authorities will be encouraged to do likewise.

8.20 Any condition attached to a licence or certificate should be:
• clear
• enforceable
• evidenced
• proportionate
• relevant
• be expressed in plain language capable of being understood by those expected to comply with them

8.21 As a general rule, the Council will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

Outside areas

8.22 The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with.

8.23 Although consumption of alcohol is not a licensable activity, if the plan does not show outside
area such as beer gardens or similar, then any premises licence authorising the sale of alcohol on the premises only would not authorise the use of such areas.

Large Scale Events

8.24 Existing licensed premises which intend to run one-off large scale events (and particularly dance events) are encouraged to consult with the responsible authorities and the Safety Advisory Group well in advance of the event taking place, to ensure that the event does not undermine the licensing objectives.

Cumulative Impact

8.25 In some areas concentrations of licensed premises exist where the combined effect of all of the premises causes problems for a wider area and this potentially undermines the Licensing Objectives.

8.26 This potential impact on the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.

8.27 In previous statements of licensing policy, the Council has concluded that there are no areas within the district presently suffering from cumulative impact. However there is potential for a change in this situation. The Council has been aware of views being expressed that the Victoria Square area of Worksop and its surrounding streets has suffered from and continues to suffer from significant levels of crime, disorder and nuisance as a result of the cumulative impact from the premises licensed to sell and supply alcohol and late night refreshment in the area. The Council therefore considers it both necessary and appropriate to include an approach to this issue, which can be applied in the event of evidenced need being established.

8.28 In order to address cumulative impact in particular areas the Council may apply the policies below (“The Cumulative Impact Policies”) which create a rebuttable presumption that certain types of applications for new premises licences or club certificates or material variations will normally be refused. The presumption will be rebutted where applicants can demonstrate through the operating schedule and, where appropriate, supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced or that the risk factors associated with the application are such that cumulative impact will not be an imminent threat were the application to be granted. The policies however do not relieve responsible bodies, other persons or businesses of the need to make representations before such applications are considered. If no representations are received, then the application must be granted in terms consistent with the submitted operating schedule.
9. Licensing Policy 3

Where representations about crime and disorder and/or nuisance are received in respect of applications for premises in areas of cumulative impact, a rebuttable presumption will apply that such applications shall be refused. However, this policy only applies to applications of the types listed below and which include the sale or supply of alcohol and/or late night refreshment namely:-

- New premises licences;
- New club premises certificates;
- Material variations to existing premises licences/club premises certificates (for example, these may include matters such as increases in capacity or hours);
- Late Night Refreshments.

and in the case of applications for Provisional Statements an indication will be given that any subsequent application for a premises licence/club premises certificate is likely to be refused.

**REASON:** To ensure that those applications which may add to the levels of crime, disorder and nuisance already being experienced in the area are refused.

9.1 This policy creates a rebuttable presumption that certain types of applications will be refused. The presumption may be rebutted where applicants can demonstrate through the Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not potentially add to the cumulative impact already being experienced.

9.2 Whilst the policy will not be applied inflexibly the circumstances in which the presumption of refusal may be rebutted will need to be exceptional and directly related to the reasons why the policy was adopted. An application is not likely to be classed as exceptional merely on the grounds that the premises have been or will be operated within the terms of its licence or that they are or will be well managed. This is to be expected of any application. An example of the type of application which might be granted could be where premises are being re-located or act as a direct replacement for others and where the impact is likely to be similar to the original location.

9.3 Policy 3 however does not relieve Responsible Authorities, other persons or businesses of the need to make representations before such applications are refused. **If no representations are received then the application must be granted in terms consistent with the submitted operating schedule.** The Council will regularly review this Policy to assess its impact.

9.4 Where a provisional statement has been issued by the Council and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded. It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process. For this reason, Provisional Statements are included in Policy 3. Whilst applications for Provisional Statements cannot be refused it is considered that
such statements could properly be used to indicate that even if the works were satisfactorily completed that the subsequent premises licence application could be refused on the grounds of cumulative impact.

9.5 Responsible Authorities, other persons or businesses may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated saturation zones. In such circumstances the application may be refused, (though there will be no presumption that this will be the case), and the Council may then choose to review this Statement of Policy and consult as to whether the particular area should be designated as a saturation zone to which Policy 3 should apply.

10. Licensing Policy 4

In cases where Responsible Authorities, other persons or businesses seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives the Council expects that they shall:

(i) Identify the boundaries of the area from which it is alleged problems are arising;
(ii) Identify the Licensing Objective(s) which it is alleged will be undermined;
(iii) Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment etc)
(iv) Provide full details and evidence to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;
(v) Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.

*Reason: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.*

Public Space Protection Orders

10.1 The Council supports the use of Public Space Protection Orders as a tool to prevent alcohol related crime and disorder in the streets. The Council expects premises that operate in areas where Public Space Protection Orders have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour

Encouraging diversity

10.2 The Council recognises that creating a vibrant night time economy is important. Key to this is ensuring that the area appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.

10.3 Applications for premises whose predominant offer is vertical drinking are not encouraged, but if applications are made for such premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.
Provisional Statements

10.4 Where it is proposed to build or alter premises which may require a premises licence then the Licensing Act permits an application for a Provisional Statement. This application is dealt with in the same way as an ordinary application but does not result in the issue of a premises licence. That is applied for when the premises are complete.

10.5 Where a provisional statement has been issued by the Council and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded.

Adult Entertainment

10.6 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed application form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.

10.7 The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. The new licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. The Council has adopted these provisions.

10.8 Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act. Transitional provisions will allow for existing sexual entertainment venues and those with applications in progress at the time that the Act was adopted to continue to operate under the terms of any Licensing Act licence which is in force or is subsequently granted until 12 months after the amendment to the adopted resolution takes effect. On this date all existing conditions on the relevant.

10.9 Licensing Act Licence which relate to sexual entertainment will cease to have effect and the entertainment will be governed by the provisions of the 1982 Act alone. The Licensing Act licence will then continue to regulate the other licensable activities.

10.10 Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.

10.11 The provision of adult entertainment on premises may mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of the premises licence or club premises certificate the Council expects applicants to include arrangements in their Operating Schedule for restricting children from viewing any adult entertainment. The Council expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly
complied with. In addition it may be appropriate to impose age restrictions for persons working in
the premises, and applicants are advised to also consider the wider crime and disorder
issues which can be associated with such forms of entertainment, such as issues relating to
drugs and prostitution.

10.12 Responsible Authorities are likely to continue to consider all applications involving adult
entertainment very carefully with regard to the promotion of the licensing objectives within the
vicinity in which the premises are located.

Licence Suspensions

10.13 The Licensing Act 2003 requires Council as the Licensing Authority to suspend a premises
licence or club premises certificate if the annual fee is not paid when it is due unless an
administrative error or dispute has been notified to the Council. In such cases there will be a
grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within the
grace period, the licence must be suspended.

10.14 Where such a suspension takes place the Council must give a minimum of two days notice and
may inform the police and other Responsible Authorities of the suspension. All licensable
activities must cease when the suspension takes effect. The suspension will only cease on
payment of the outstanding fee irrespective of any transfer or hearing which may take place.

Reviews

10.15 At any stage following the grant of a premises licence or club premises certificate a Responsible
Authority, other persons or businesses may ask for a review. Evidence will however be required to
show that a specific concern exists relating to one or more of the licensing objectives.

10.16 Where a review Hearing is held the Council has a variety of options that it may take ranging
from taking no action at all, to varying conditions or suspending or revoking the licence. The
Guidance reminds the Council that the powers of review are to be used in the interests of the
wider community and not that of the individual licence/certificate holder. Whilst the financial
circumstances of the licence/certificate holder will be a consideration for the Council, the
promotion of the licensing objectives will be the Council's primary concern. In some
circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors,
revocation may be considered an appropriate course of action, even in the first instance.

Early Morning Alcohol Restriction Orders (EMRO)

10.17 The legislation gives the Council discretion to restrict sales of alcohol by introducing an Early
Morning Alcohol Restriction Order to restrict the sale or supply of alcohol to tackle high levels of
alcohol-related crime and disorder, nuisance and anti-social behaviour. The order may be
applied to the whole or part of the Council area, and if relevant on specific days and at specific
times. The Council must be satisfied that such an order would be appropriate to promote the
licensing objectives.

10.18 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to
residents in premises with overnight accommodation by means of mini bars and room service.

10.19 The decision to implement an EMRO should be evidence based and may include consideration of
the potential burden imposed as well as the potential benefits.
Personal Licences

10.20 In most cases the Council is under a duty to grant a Personal Licence so long as the applicant meets the criteria prescribed in section 120 of the Act. Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Council is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State. In these cases a licence will still be granted unless an objection is received within the prescribed period.

11. Licensing Policy 5

When considering an objection notice or immigration objection notice the Council will take the following matters into consideration:

(i) The circumstances in which the offences were committed or the penalty imposed;
(ii) The period that has elapsed since the offence(s) were committed or the penalty imposed;
(iii) Whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and
(iv) Any mitigating circumstances.

In consideration of an objection notice the Council will reject the application/revoke the licence if it considers it appropriate to do so in order to promote the crime prevention objective.

In consideration of an immigration objection notice the Council will reject the application/revoke the licence if it considers it appropriate to do so for the prevention of illegal working in licensed premises.

REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective. Similarly granting licence to a person convicted of an immigration offence or who has paid an immigration penalty will in many cases undermine the prevention of illegal working in licensed premises which itself is a crime.

11.1 Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Council must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.

11.2 Where the Council is aware that a Personal Licence holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty it may suspend the licence for a period not exceeding six months or revoke the licence. Before doing so the Council will serve a notice on the personal licence holder inviting them to make representations within 28 days regarding:

• The offence/penalty
• Any decision a court made regarding the licence at the time of the conviction
• Any other relevant information (including the holder’s personal circumstances)
11.3 After the 28 day period has elapsed the Council will make a decision as to what action it will take based on the information provided to it. In circumstances where the Council does not propose to revoke the licence, notice must be given to the Chief Officer of Police inviting representations as to whether the licence should be suspended or revoked. The Act does not require a hearing to be held at any stage during the process, although the Council may invite the licence holder to make a personal representation. Licence holders (and the police) will be notified of the Councils decision in writing along with their right of appeal.

Temporary Event Notices

11.4 There are two types of Temporary Event Notice,

• A standard TEN
• A Late TEN

11.5 A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served not before nine and not less than five working days before the event to which it relates.

11.6 Whilst the Council recognises that a Temporary Event Notice may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the current Guidance issued under the Act encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance objectives. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.

11.7 Persons serving Temporary Event Notices must also serve a copy notice on the police and the Responsible Authority for Environmental Health functions i.e. the Council’s Environmental Health section. Except when the TEN is served electronically/digitally (if this facility is available).

11.8 Further information regarding Temporary Event Notices is contained on the Council’s web pages.
12. Children

12.1 The Council is committed to the Safeguarding of children and vulnerable adults. The Licensing Act places legal responsibilities on holders of Premises licences and Clun Premises Certificates and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

12.2 The Council in partnership with the police, the Nottinghamshire Safeguarding Board and the Community Safety Partnership works closely with licensed premises in order to build awareness across the industry as to how those that work in such establishments may better recognise the indicators of children and vulnerable adults who may be subject to, or at risk of abuse, exploitation and trafficking and the reporting mechanisms for these concerns.

12.3 When considering applications for new or variations to existing premises the Council will seek to be assured that applicants have considered the safeguarding of children and vulnerable adults within the operating schedule of the application.

12.4 Where there are concerns over the potential for harm to children from licensable activities, the Council recognises the following body as competent to advise on matters relating to the protection of children from harm:

- The Nottinghamshire Safeguarding Children Board.

Applications should therefore be copied to this body in its capacity as a Responsible Authority.

12.5 Examples which may give rise to concerns in respect of children include those:

- Where there have been convictions for serving alcohol to minors
- Where there is a reputation for underage drinking
- Where there is a known association for drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

12.6 Where premises are used for film exhibitions, the Council will impose the mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council itself.

12.7 The Council expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule. The council expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.
13. Licensing Policy 6

Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the Council will consider imposing conditions which may include the following:

(i) Limitations on the hours when children may be present.
(ii) Age limitations for persons under 18.
(iii) Limitations or exclusion when certain activities are taking place.
(iv) Full exclusion of persons under 18 when certain licensable activities are taking place.
(v) Limitations of access to certain parts of the premises for persons under 18.
(vi) A requirement for adults to be present.

**REASON: To protect children from harm.**

13.1 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18
- That alcohol is only delivered to a person over 18
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

**Age verification policies**

13.2 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.
14. Equality and Diversity

14.1 The Council is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination.

Further information on the Council’s policy can be viewed on the website at www.bassetlaw.gov.uk

14.2 Advice and guidance will be made available in English which is the most common language of customers and stakeholders. On request the Council will signpost customers to providers of guidance and information relating to translation services.

15. General Enforcement Statement

15.1 All decisions, determinations, inspections and enforcement action taken by the Council will have regard to the relevant provisions of the Licensing Act 2003, national guidance, relevant codes of practice and the enforcement policy of the Council.

15.2 The Council has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.

16. Monitoring And Review Of This Statement Of Policy

16.1 This Statement of Policy will be reviewed within legislative timescales and as and when appropriate. In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy, together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.
Contact us

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If you need any help communicating with us or understanding any of our documents, please contact us on 01909 533 533.

We can arrange for a copy of this document in large print, audiotape, Braille or for a Language Line interpreter to help you.
Object 1

New Premises Application Site

Objection Received

09/07/2020