

APPENDIX A

Applicants name	PSM Express Limited
Name and address of premises	PSM Express 15 Stoneycroft Hemel Hempstead Hertfordshire HP1 2QE
Ward	Chaulden and Warners End

1. **Current Licence**

- 1.1 The premises is not currently subject to a premises licence. It is located in a shopping precinct in Warners End Hemel Hempstead, which has a number of retail units within it. Prior to this application, the premises was a newsagents, selling newspapers, cards and confectionary.

2. **Application**

- 2.1 Authorisation is sought for the following licensable activity and hours:

Sale by retail of alcohol, for consumption off the premises.

Monday to Sunday 06:00 to 23:00

The application is set out at Annex A on page 14 of the agenda.

A plan of the premises is set out at Annex B on page 34 of the agenda.

A map of the local area is set out at Annex C on page 35 of the agenda.

3. **Details of Representation**

- 3.1 The period for receipt of representations in respect of the application was 18th May 2023 to 15th June 2023.

During the consultation period one representation was received from a ward councillor for Chaulden and Warners End, who was making that representation as an individual in his own right, and citing concerns about a potential increase in drunkenness and anti-social behaviour in the vicinity of the premises should the licence be granted.

This representation is set out at Annex D1 on page 36 of the agenda.

3.2 The applicant had previously indicated that they were willing to mediate with those persons that had made representations, however this option was not taken up, with the objector expressing his preference that the matter go straight to the Committee for determination. This correspondence is set out at Annex D2 on page 37 of the agenda.

3.3. Responses received from responsible authorities:

Police – no response

Fire Officer – no representations

Public Health – no response

Planning – no representations

Environment and Community Protection – no representations

Trading Standards – no representations

Local Safeguarding Children Board – no response

Licensing Authority – no response

4. Observations

4.1 Extracts from local police and national statutory guidance are set out at Annex E on page 39 of the agenda.

Annex A
APPLICATION FOR GRANT OF PREMISES LICENCE



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

I/We PSM Express Ltd

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 15 Stoneycroft			
Post town	HEMEL HEMPSTEAD	Postcode	HP1 2QE
Telephone number at premises (if any)		07411 992447	
Non-domestic rateable value of premises		£11,500	

Part 2 - Applicant details

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	X	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)

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

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

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

(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 PSM Express Ltd
I Emperor Lane Broughton AYLESBURY HP22 7DE
Registered number (where applicable) 14292055
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 07411 992447
E-mail address (optional) rajmrh@yahoo.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	06 20 23

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)

Convenience Store situated in a parade of retail and fast food outlets offering a large range of products including alcoholic beverages for both online sales and delivery

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?

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)	X

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			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)
Thur			
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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)		
Sat					
Sun					

F

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

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			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)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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)		
Sun					

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	06.00	23.00			
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00			
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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):

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	06.00	23.00	
Tue	06.00	23.00	
Wed	06.00	23.00	
Thur	06.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

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)

When considering this application, we have reviewed the current operating hours and procedures that are in place to promote the licensing objectives - which we understand are currently working well. Additionally we have considered the Dacorum Borough Council Statement of licensing policy 2021 - 2026 and the guidance issued under S182 of the Licensing Act 2003, have undertaken research with regards to population demographics and Home Office crime mapping. As a consequence the intention is to add the following conditions in order to promote the licensing objectives.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times the Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format. CCTV download and access will be provided to an authorised local authority Trading Standards Officer or the Local Authority within 48 hours of being requested or on demand in the event of a serious incident as defined by a senior police officer of the rank of at least Police Inspector.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised local authority Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIAB Level 1 or any other training recognised and agreed with the local authority Trading Standards, (All existing staff shall be trained within one month of the date that this condition appears on this licence).

All new staff shall be trained within one month of taking up employment.

All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised local authority Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand. Training will cover the following matters as a minimum:
Conflict resolution
Selling alcohol to under age person
Selling to drunks
The sale of all other age restricted goods offered for sale at the premises.

c) Public safety

No public safety issues are identified at this juncture.

d) The prevention of public nuisance

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
2. The premises licence holder will display notices which are prominent, clear and legible (in not less than 32 font bold), advising the public not to consume any alcohol purchased from the premises at or near to the premises.

e) The protection of children from harm

Age Verification:

A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age.

A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 25 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the Council.

Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location where alcohol is displayed and offered for sale.

INTERNET SALES:

The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. Records shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council. The website shall contain a declaration to the fact that purchasers' details will be checked to ensure eligibility to the sale.

The terms and conditions of the company website will contain the following: -

- a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
- b) An age confirmation requirement when registering to purchase.
- c) Reference to the operating of a Challenge 25 policy.
- d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age

DELIVERIES:

The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

Checklist:**Please tick to indicate agreement**

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

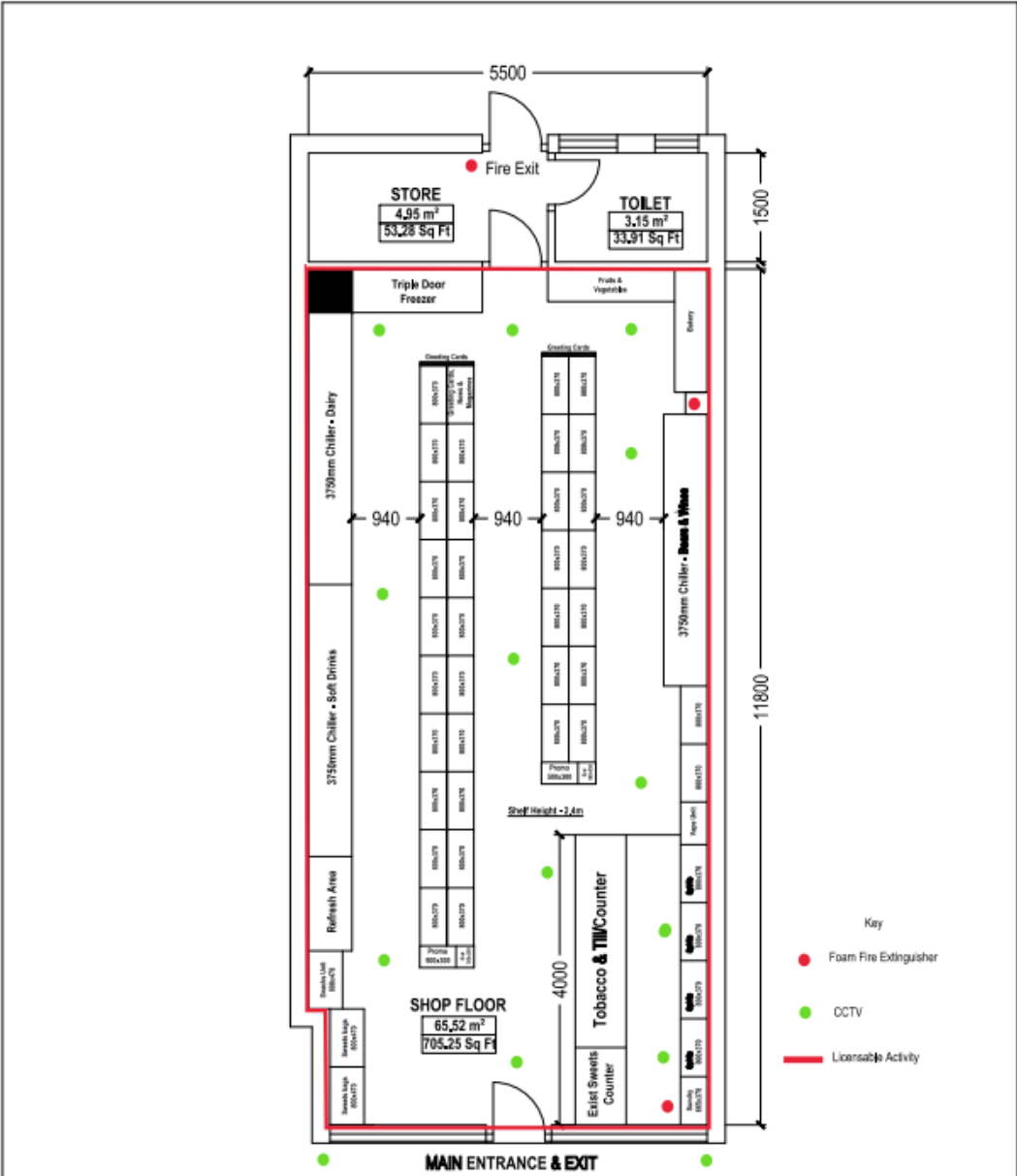
Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Colin HOULT for The Licensing Guys
Date	18/05/2023
Capacity	Licensing Consultant & Agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) The Licensing Guys Rural Enterprise Centre Vincent Carey Road Rotherwas Business Park			
Post town	HEREFORD	Postcode	HR2 6FE
Telephone number (if any)	01432 700024		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) licensing@thelicensingguys.com			

**ANNEX B
PLAN OF PREMISES LAYOUT**



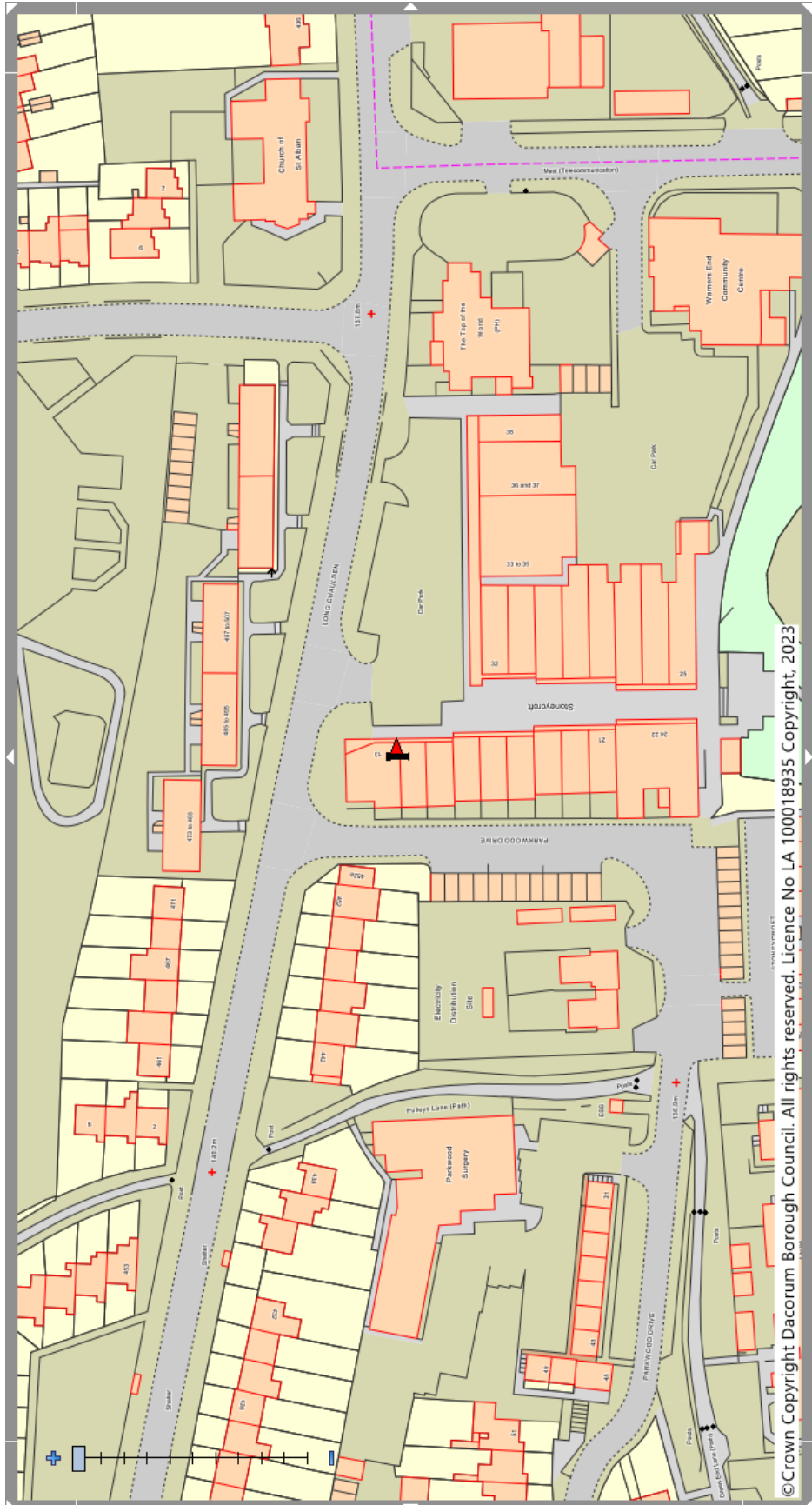
SDC DRAWING & ESTIMATING SERVICES
 72 Hall Street
 Soham
 CB7 5BW
 TP: 074 111 26746
 E-mail: sdeservices16@gmail.com

Shop Fitter
Kanasa Shop Fitting
 Valerian Gardens
 Soham, Cambridgeshire
 CB7 5WR

PROJECT
Convenience Store
 15 Stoney Croft
 Hemel Hempstead
 HP1 2QE

DRAWING TITLE
SHOP FLOOR LAYOUT Rev:02
 SHEET NO : 01 JOB NO : SDC/SHOP/37
 SCALE : 1:50 @ A3 DATE : 04/05/2023

ANNEX C
MAP OF LOCATION IN WHICH PREMISES IS SITUATED



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**ANNEX D1
REPRESENTATION**

From: Graeme Elliot <Graeme.Elliot@dacorum.gov.uk>
Sent: 13 June 2023 16:23
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: Nigel Durrant <Nigel.Durrant@dacorum.gov.uk>; Fiona Guest <Fiona.Guest@dacorum.gov.uk>
Subject: M056780] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – PSM Express Ltd

Hi,

I am one of Ward councillors for the area, where the newsagent which has just changed hands (15 Stoneycroft) has applied for a licenses to sell alcohol. I formally lodge my objection to this application for the following reasons.

The shopping area back consists of a disused toilet block and adjacent to the area are studio flats with garages PLUS dilapidated garages. This blackspot is a hangout for drug dealing and I feel this off license will attract more anti-social behaviour. There is a secondary school nearby and I would not want them exposed to undesirable people who my congregate near the shops. I feel drunkenness will increase, as we have an elderly and vulnerable population nearby (William Crook House), I fear for their safety as they use the shops for daily essentials.

Regards

Graeme

Graeme Elliot

**Councillor for Chaulden & Warners End
Dacorum Borough Council**

T: 07496 579448

E: graeme.elliott@dacorum.gov.uk

A: The Forum | Marlowes | Hemel Hempstead | HP1 1DN

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ANNEX D2
FURTHER CORRESPONDENCE WITH OBJECTOR

From: Graeme Elliot <Graeme.Elliot@dacorum.gov.uk>
Sent: 14 June 2023 15:52
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: Nigel Durrant <Nigel.Durrant@dacorum.gov.uk>; Fiona Guest <Fiona.Guest@dacorum.gov.uk>
Subject: RE: M056780] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – PSM Express Ltd

Hi Sally,

I would like this to go forward to the licensing committee please

Regards

Graeme

Graeme Elliot

Councillor for Chaulden & Warners End
Dacorum Borough Council

T: 07496 579448

E: graeme.elliott@dacorum.gov.uk

A: The Forum | Marlowes | Hemel Hempstead | HP1 1DN

From: Licensing Mailbox <Licensing@dacorum.gov.uk>
Sent: 14 June 2023 09:48
To: Graeme Elliot <Graeme.Elliot@dacorum.gov.uk>
Cc: Nigel Durrant <Nigel.Durrant@dacorum.gov.uk>; Fiona Guest <Fiona.Guest@dacorum.gov.uk>
Subject: RE: M056780] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – PSM Express Ltd

Good morning Graeme

Thank you for your e-mail.

In accordance with statutory guidance I have forwarded your representation to the agents for the application, who have previously indicated to me that they wish to attempt to address objector's concerns with the application ahead of arranging a hearing on this, to see if they can offer reassurance about the control of alcohol sales at the premises. If you are agreeable to that please can you let me know as soon as possible so that we can arrange either negotiation by e-mail, or a meeting.

If you do not agree, the application will go forward to the Licensing of Alcohol and Gambling Sub-Committee for consideration, and you will be given formal notice of hearing within the prescribed timescales.

Kind regards

Sally Mcdonald
Lead Licensing Officer
Dacorum Borough Council

T: 01442 228470 (ext.2470)

E: sally.mcdonald@dacorum.gov.uk

A: The Forum | Marlowes | Hemel Hempstead | HP1 1DN

ANNEX E

RELEVANT EXTRACTS FROM LOCAL POLICY AND NATIONAL GUIDANCE

Local Policy:

5. Licensing objectives

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Each objective has equal importance.

5.2. It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The licensing authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

5.3. The licensing authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the licensing authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

Public nuisance

5.13. The Licensing Authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.

5.14. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.

5.15. The Authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental

health officers to require the abatement of a statutory nuisance, and would be considered the primary control for such issues. However, the Licensing Authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

Protection of children

5.21. The Licensing Authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the authority takes to promote the public safety objective.

6. Licensing Authority functions

6.2. The licensing authority has delegated its functions under the Act to the Licensing, Health & Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions to the Licensing of Alcohol and Gambling Sub-Committee, to consider contested applications and notices, and review proceedings.

Other persons

7.7. Representations and review applications may also be made by persons who are democratically elected, such as borough, county, town or parish councillors, or an MP. Such representatives are free to make representations and review applications in their own right, and no specific evidence of being asked to represent any other person will be required.

10. Licensing Hours

10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.

10.4. The licensing authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.

10.7. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the normal hours they intend to open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours; for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance. Where alcohol hours are shorter than opening hours, premises should ensure that robust systems are in place to prevent the sale of alcohol before or after permitted times.

- 10.8. The licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

Licence conditions

- 11.1. The Licensing Authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.
- 11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder, generally this will mean within the premises, or in the nearby vicinity.

National guidance:

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public nuisance

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.16 Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities.

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

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

Determining Applications

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

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

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

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and

provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.