



## TO THE CHAIRMAN AND MEMBERS OF THE **LICENSING SUB-COMMITTEE A**

You are hereby summoned to attend a meeting of the Licensing Sub-Committee A to be held on Wednesday, 1 August 2018 at 10.30 am in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

RAY MORGAN  
Chief Executive

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## **AGENDA**

### **PART I - PRESS AND PUBLIC PRESENT**

1. Minutes  
To approve the minutes of the meeting of the Licensing Sub-Committee A held on 21 June 2018 as published.
2. Declarations of Interest  
To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
3. Urgent Business  
To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

### **Matters for Determination**

4. Review of a Premises Licence - Harry's Store, 2 Walton Road, Woking (Pages 3 - 80)  
Reporting Officer – Matt Cobb

5. Review of a Premises Licence - Budgens, 1 Chertsey Road, Woking (Pages 81 - 134)  
Reporting Officer – Matt Cobb

AGENDA ENDS

Date Published – 23 July 2018

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email [doug.davern@woking.gov.uk](mailto:doug.davern@woking.gov.uk)



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## LICENSING SUB-COMMITTEE A – 1 AUGUST 2018

### REVIEW OF A PREMISES LICENCE – HARRY'S, 2 WALTON ROAD, WOKING

#### Executive Summary

This report considers an application to review the Premises Licence (PL) for the above premises from Surrey Police.

#### Recommendations

The Committee is requested to:

**RESOLVE THAT** the report be considered and the application be determined accordingly.

**The Sub-Committee has the authority to determine the above recommendation.**

#### Background Papers:

Application form  
Operating Schedule  
Representations from Statutory Bodies and Interested Parties  
Sustainability Impact Assessment  
Equalities Impact Assessment

#### Reporting Person:

Matthew Cobb, Senior Licensing Officer  
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

#### Contact Person:

Matthew Cobb, Senior Licensing Officer  
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

#### Date Published:

23 July 2018

## **1.0 Summary of Proposal**

**Application Type:** Review of Premises Licence  
**Variation:** No  
**Site Address:** 2 Walton Road, Woking, Surrey, GU21 5DL  
  
**Applicant** Surrey Police, Woking  
**Application Ref:** 07/00360/PREMIS

## **2.0 Description of Premises and Existing Licence**

2.1 Small retail shop with off-licence

2.2 Current licensed hours of operation are:

Sale of Alcohol, Monday to Saturday inclusive – 08:00 to 22:00

Sale of Alcohol, Monday to Saturday inclusive – 10:00 to 22:00

Opening Hours, Monday to Saturday inclusive – 08:00 to 23:00

Opening Hours, Monday to Saturday inclusive – 10:00 to 22:00

## **3.0 The “Harveys” Connection**

3.1 In April 2007 an application for a Premises Licence was received for “Harveys” – a small shop located at 1 Central Buildings, Chobham Road, Woking. The applicants, which included Mr Pardeep Dhesi, had requested alcohol till 23:00 at night.

3.2 Following objections, a Premises Licence Hearing was held on the 20 June 2007, whereupon the licensable hours were reduced to finish an hour earlier at 22:00 and a set of specific conditions were proposed and accepted.

3.3 In September 2007 an application for a Premises Licence was received for “Harry’s” – a small shop located at 2 Walton Road, Woking. The applicant – Miss Pavendeep Dhesi, had requested alcohol till 23:00 at night.

3.4 Following an objection from Surrey Police Licensing Officer, a set of conditions were offered up by the applicants. These were proposed with the opening line “The Premise Licence for Harry’s shall be the same as that of Harvey’s.”

3.5 A copy of the Licence Application and accompanying emails between Surrey Police Licensing and Woking Licensing are attached as Appendix 1.

3.6 The venue has various conditions attached to its Operating Schedule / Licence to help promote the licensing objectives. A full copy of the licence as issued is attached as Appendix 2.

## **4.0 Details of Application**

4.1 Surrey Police have called for a review of the premises licence on the grounds that it believes the Licensing Objectives of prevention of crime and disorder and the protection



of children from harm are being adversely affected. The full application is attached as Appendix 3.

## 5.0 Promotion of Licensing Objectives

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

## 6.0 Relevant Representations

6.1 The following representations have been received in relation to the application:

### Responsible Authorities

Surrey Police:	Original review application, attached as Appendix 3
Surrey Fire and Rescue Service:	No representations received.
Environmental Health (WBC):	No representations received.
Planning Authority (WBC):	No representations received.
Social Services (SCC):	No representations received.
Trading Standards:	Representations received, attached as Appendix 4

### Interested Parties

Members of Public:	No representations received.
Other Persons:	Representations received from Emma Ibrahim, Woking Borough Councils Anti-Social Behaviour officer. Attached as Appendix 5.
	The Licensing Authority has made comment. This is attached as Appendix 6.

## 7.0 Policy Considerations

7.1 In making its decision, the Sub-Committee is obliged to have regard to the relevant national Guidance (Appendix 7) and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears, and its duty under S17 Crime and Disorder Act 1998.

7.2 The Licensing Officer considered the following policies taken from the '**Licensing Policy for Woking Borough**' should be considered for this application.

## **From Woking Borough Council Licensing Policy 2016-2021**

**6.5** The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.

**6.6** The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

### **7.0 The Licensing Objectives (Prevention of Crime and Disorder)**

**7.1** The Council will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter or leave.

**7.2** In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.

**7.3** The Council will expect applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

In particular, the Council will expect applicants to address the following matters.

- Physical security features e.g. use of toughened drinking glasses.
- Procedures for the risk assessment of alcohol promotions, such as 'happy hours' (please see 7.5).
- The use of licensed door supervisors.
- Amount of seating to be provided to reduce issues in high volume vertical drinking (HVVD) establishments.
- Training given to staff in crime prevention measures.
- Measures agreed with the police to reduce crime and disorder.

Participation in the Woking Pubwatch Scheme will be expected of licence applicants for all bar, pub and nightclub premises in the Borough.

**7.4** N/A

**7.5** N/A

**7.6** The Council recognises that licence conditions should not replicate offences that are set out in the Licensing Act or other legislation. With this in mind, the Council will, when considering an application for a premises licence upon the receipt of relevant representations, consider attaching conditions to licences and certificates to deter and prevent crime and disorder both inside and in the immediate vicinity of the premises. These may include conditions drawn from the Pool of Conditions relating to the prevention of crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities that take place there.

## **8.0 The Licensing Objectives (Protection of Children from Harm)**

**10.1** The Council will carry out their licensing functions with a view to protecting children from harm. In addition to the specific prohibitions in the Licensing Act on the access of unaccompanied children to certain premises between certain hours, licensees will be expected to take measures to ensure the safety and welfare of children on their premises. The Council is committed to reducing the problems arising from under-age drinking and to protect children from moral, psychological or physical harm.

**10.2** The Council will expect applicants to include in their operating schedules the steps they propose to take to prevent harm to children. In particular, the Council will expect applicants to address the following matters within their operating schedules.

- Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:
  - a) in addition to requiring passports or photo driving licences, a proof of age scheme approved and accredited by the Proof of Age Standards Scheme (PASS) e.g. Citizen Card, Connexions Card, Portman Card will be in operation
  - b) staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification), such training to be properly documented and records made available for inspection. Trading Standards encourage retailers to train their staff specifically about what forms of ID are acceptable and how to check that they are genuine in order to avoid selling to young people using fake ID (currently a growing concern due to the easy access to fakes online and the increasing sophistication of fakes).
  - c) registers of refused sales will be maintained and made available for inspection.
  - d) a policy of requesting suitable photographic identification from those appearing to be below or close an age limit above the legal age for alcohol sale/purchase , for example, Challenge 25. In line with Trading Standards, the adoption of a 'Challenge 25' age verification policy is particularly recommended as this is now

accepted as best practice by industry and enforcing authorities.

- Applicants must indicate whether they are signatories to the Portman Group Code of Practice (see 10.6.6).
- Where children are expected to attend regulated entertainment, the measures proposed to ensure their safety.

**10.3** The Surrey Child Protection Unit will be consulted on applications for premises licences and club premises certificates.

**10.4** Applicants needing advice on how to avoid age-restricted sales may contact Surrey Trading Standards.

**10.5** The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include items drawn from the Pool of Conditions relating to the protection of children from harm.

**10.6** Child access to licensed premises

**10.6.1** The Council will consider the individual merits of each application before deciding whether it is necessary to limit the access of children to any given premises. The following are examples of premises that will raise particular concern.

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there is a known association with drug taking or dealing.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
- Where entertainment or services of an adult or sexual nature are commonly provided. The Council will not normally grant permission for entertainment of an adult or sexual nature in premises near schools, churches, youth clubs or other premises where children are likely to attend.

**10.6.2** The Council may consider that additional steps for limiting the access of children to licensed premises are necessary in order to prevent harm. These steps (which may be adopted in combination) include:

- limitations on the hours when children may be present
- limitations on the presence of children under certain ages when particular specified activities are taking place
- limitations on the parts of premises to which children might be given access age limitations (below 18)
- Requirements for an accompanying adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied

by an adult)

- full exclusion of people under 18 from the premises when any licensable activities are taking place.

**10.6.3** Conditions will not be attached to licences or certificates requiring that children be admitted to any premises. Where no licensing restriction is necessary, this will be left to the discretion of the individual licensee, club or person who has been given a temporary event notice. Applicants for premises licences and club premises certificates may volunteer prohibitions and restrictions in their operating schedules if their risk assessments have determined that the presence of children is undesirable or inappropriate. If the Council receives no relevant representations, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate.

**10.6.4** N/A

**10.6.5** The Council supports PASS, which aims to approve and accredit proof of age schemes to assist in preventing underage access to unsuitable premises and the purchasing of alcohol. This scheme, introduced by the British Retail Consortium and audited by the Trading Standards Institute, identifies reliable and secure proof of age schemes with the same hologram mark in order that retailers can easily distinguish accredited cards from forgeries or cards under unreliable schemes.

**10.6.6** The Council supports the aims of the Portman Group and commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks to all applicants.

- The Portman Group operates the Code on behalf of the alcohol industry with the aim of ensuring that all alcoholic drinks are promoted in a socially responsible manner and only to those aged 18 years or older.
- The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products in licensed premises in a manner which may appeal to or attract children. An independent complaints panel considers complaints about products under the Code, and publishes their decisions on the Portman Group's website, in the trade press and in its annual report.
- If a product's packaging or point of sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point of sale material, until the decision has been complied with.
- If a retailer continues to stock products or point of sale material which have been found in breach of the Code by the Independent Complaints Panel, the Portman Group may notify the Council and request it to take this into account, subject to legal requirements, when considering whether to grant, transfer, renew or revoke licences. Breaches of the Code may also be notified to the Local Authorities Co-ordinators of Regulatory Services (LACORS), which may, in some cases, lead to prosecutions under appropriate legislation
- Companies may indicate their support for the Code and their willingness to abide by the decisions of the Independent Complaints Panel by becoming code signatories.

## **8.0 The Licensing Objectives (Prevention of Nuisance)**

**9.1** The Council will carry out its licensing functions with a view to promoting the prevention of public nuisance and will seek to ensure that licensees take measures to minimise the impact of licensable activities at their premises on people living, working or sleeping in the vicinity. The prevention of public nuisance can include low-level nuisance affecting a few people living locally, as well as major disturbance affecting the whole community.

**9.2** The Council's concerns mainly relate to noise nuisance, light pollution and noxious smells. Applicants are expected to include in their operating schedules the steps they propose to take to address these issues and prevent public nuisance. In particular, the Council will expect applicants to address the following matters in their operating schedules:

- installation of a sound limiting device
- soundproofing measures e.g. from keeping doors and windows closed to double door entry/exit systems. Where the premises are to include open areas e.g. pub gardens, the applicant will be expected to specify how they intend to minimise nuisance from such areas
- measures to be taken to prevent/minimise nuisance caused by the delivery and disposal of bottles
- measures/procedures for controlling the behaviour of patrons in queues
- measures for the winding down of alcohol sales
- measures to be taken to prevent/minimise nuisance caused by the dispersal of patrons from the premises e.g. the erection of prominent notices requesting customers to leave in a quiet manner, loudspeaker announcements, reduction in volume and tempo of the music towards the end of the evening giving away free lollipops to customers as they leave to discourage loud behaviour, procedures for the collection of litter in the vicinity of the premises, procedures to bar customers who regularly leave the premises in a noisy manner, means of accessing local licensed taxi services. Applicants are advised to seek advice from the Council's licensing officers before preparing their operating schedules.

**9.3** It is now illegal to smoke in an enclosed public place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises will increase greatly. Provisions for the collection of litter have already been mentioned, but premises should take particular steps to combat litter from smoking, as it will be easier to attribute this to a particular premise and is more likely to generate complaints. Persistent complaints can lead to a call for a licence review, on the grounds of public nuisance from a responsible authority.

**9.4** The Council will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to premises licences and club premises certificates where necessary in order to prevent it. These may include conditions drawn from the Pool of Conditions relating to the prevention of public nuisance. Any such conditions imposed will be tailored to the style and characteristics of the premises and the

type of activities expected to take place there.

7.3 The “Pool of Conditions” is provided as Appendix 8.

7.4 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

(a) to modify the conditions of the licence; (either permanently or temporarily for up to three months);

(b) to exclude a licensable activity from the scope of the licence; (either permanently or temporarily for up to three months);

(c) to remove the designated premises supervisor (not applicable where alcohol is not licensed)

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence;

Committee may also offer informal advice and guidance or take no further action.

7.5 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## **8.0 Implications**

### Financial

8.1 There are no significant financial implications. The applicant, licence holder and any interested parties or responsible authorities who have made a representation have the right of appeal to a Magistrates’ Court (within 21 days starting the day after the date a decision is reached) should they feel any decision is unjust. Although there is a possibility costs may be awarded against the Council where decisions are overturned, case law shows this as unlikely where the Council are shown to be acting in accordance with their duties as Licensing Authority based on information supplied at the time.

### Human Resource/Training and Development

8.2 None.

### Community Safety

8.3 Improving standards and ensuring compliance can potentially improve community safety in line with the Licensing Objectives as set out in the Licensing Act 2003

### Risk Management

8.4 The risks to the Council associated with determining an application are:

- Failure to undertake our statutory responsibilities within required timescales;

- Making a decision that could be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
  - Making a decision that compromises Community Safety.
- 8.5 These risks have been dealt with in the report under section 6.0 by highlighting that the Sub-Committee is required to determine this application for a premises licences under the Licensing Act 2003 having due regard to the four licensing objectives, national guidance, the local licensing policy, relevant representations and evidence presented at the hearings. Determining applications in this way will reduce the risk of the decisions of the Council being open to challenge via appeal to the Magistrates court and promote Community Safety in the Borough.

#### Sustainability

- 8.6 The four licensing objectives addressed in the Council's licensing policy, which the Sub-Committee is obliged to have regard to in making its decision, are in line with the Council's sustainability aims.

### **9.0 Conclusions**

- 9.1 The Committee is asked to consider the review application, contents of this report and its appendices, the evidence and representations presented, answers to questions posed and deliver its decision with reasons.

REPORT ENDS

### **Appendix 1 – Harry's Licence Application Information**



[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 PANVENDREEP DHESI apply for a premises licence under section 17 of  
(insert name(s) of applicant)  
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	
COMMERCIAL UNIT NO. 2 WALTON ROAD WOKING SURREY	
Post town	Post code
WOKING	GU21 5EW

Telephone number at premises (if any)

/
---

Non-domestic rateable value of premises

£ (A)
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**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company  please complete section (B)
  - ii. as a partnership  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  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:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

I am 18 years old or over

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

Please tick  
✓ yes

I am 18 years old or over

Current postal 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?

Day	Month	Year
	10	2007

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

Day	Month	Year

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

/
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Please give a general description of the premises (please read guidance note1)

The premises will be used to operate as an off licence and a general store.

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

**Provision of regulated entertainment**

Please tick ✓ yes

- 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 entertainment facilities for:**

- l) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
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 5)		
Sat						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>	
Mon	8am	11pm	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both		
Tue	8am	11pm		Legal Permitted hours during the seasonal period.		
Wed	8am	11pm				
Thur	8am	11pm	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 5)			
Fri	8am	11pm				
Sat	8am	11pm		N/A.		

Sun	10am	10pm	
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State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name PAVENDEEP DHESI  
 Address 32A ROCKFORD GARDENS  
SLOUGH, BERKSHIRE  
 Postcode SL2 5XE  
 Personal Licence number (if known) 100/486612  
 Issuing licensing authority (if known) B11AB

**N**

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 8)

/

**O**

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	8am	11pm	Non standard timings. Where you intend to use 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 5)
Tue	8am	11pm	
Wed	8am	11pm	
Thur	8am	11pm	
Fri	8am	11pm	
Sat	8am	11pm	
Sun	10am	10pm	



**P**

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

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Signs which will clearly state the sale of alcohol to anybody under the age of 18 is illegal.  
All spirits and cigarettes will be stored behind the counter.

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

CCTV cameras will be put up around the premises which will cover the shop area, the front and the back of the premises.

**c) Public safety**

No obstructions on the shop floor area, i.e. promotions.  
Fire exits labelled clearly and kept clear at all times.  
Fire extinguishers in place on the premises.  
Suitable walking surface in the premises.

**d) The prevention of public nuisance**

Suitable lighting on the shop frontage.  
Shop front/shop area should be clean and rubbish should be prevented.  
Suitable opening and closing times should be in place.

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

Cigarettes and alcohol should not be sold to children under the legal age.  
Signs will be displayed to prevent children to purchase anything under the legal age.  
Young children should be accompanied by an adult.  
Shelf guards will be put in place to place items suitably and prevent them from dropping.



Please tick ✓ yes

- 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 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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature 

Date 21/09/07

Capacity .....

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

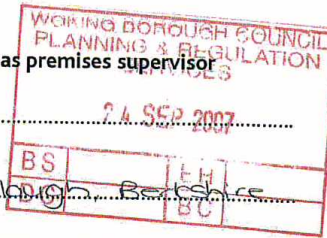
Capacity .....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

**Notes for Guidance**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor



I Pavandeep Dhesi  
[full name of prospective premises supervisor]

of 369 Rochford Gardens, Slough, Berkshire  
SU2 5XE

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Off Licence [type of application]

by Pavandeep Dhesi [name of applicant]

relating to a premises licence [number of existing licence, if any]

for Commercial Unit 2

Walter Road, Woking, Surrey

CU21 SPU (Harry's)  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by Pavandeep Dhesi [name of applicant]

concerning the supply of alcohol at Harry's Off Licence

Commercial unit 2, Walter Road, Woking

Surrey, CU21 SPU  
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 1001486612  
[insert personal licence number, if any]

Personal licence issuing authority B111AB Wesssex House, Camberly GU15 3PT.  
[insert name and address and telephone number of personal licence issuing authority, if any]

Pavandeep Dhesi signed

Pavandeep Dhesi name (please print)

21/09/07 dated

**Sam Marshall**

---

**From:** Jenkins, Daniel 13006 [Jenkins13006@surrey.pnn.police.uk]  
**Sent:** 19 October 2007 14:09  
**To:** Sam Marshall  
**Cc:** Russell Ellis; Smith, Christopher 2003  
**Subject:** Harry's Off-Licence application - Conditions.  
**Attachments:** Harry Conditions.doc

<<Harry Conditions.doc>>

Hi Sam

We have spoken to Mr Dhesi from Harveys regarding the application to open Harry's Off-Licence at 2 Walton Road; they have offered us the conditions in the attached document and agreed that they will be attached to the premises licence for Harry's - please could you add them on? Mr Dhesi has agreed to call you to confirm this. If he doesn't will you need to call him to confirm? - if so I have some up to date phone numbers.

Please call me if you have any queries or need clarification.

Kind Regards

*Daniel Jenkins*  
Licensing Officer Woking  
Ext 5723

---

This message has been checked for all known viruses through the MessageLabs Virus Control Centre.

25/10/2007

Harry's Proposed Conditions – 18<sup>th</sup> October 2007-10-19 (without prejudice).

The Premise Licence for Harry's shall be the same as that of Harvey's – 1 Central Buildings, Chobham Road, Woking, Surrey, GU21 6JH. And Comprise the following:

The Sale of Alcohol shall take place between 08:00 to 22:00 Monday to Saturday.

The Sale of Alcohol shall take place between 10:00 to 22:00 on Sunday.

The Premises Licence Conditions will consist of the following:

**The Prevention of Crime and Disorder:**

- An incident log book will be maintained with regard to any incidence of crime and disorder and any such incident will be reported to the police.
- **CCTV**
  1. CCTV approved to the standard expected of the Surrey Police and shall be installed and operational.
  2. The CCTV system shall be maintained and fully operational during the hours of licensing activity.
  3. All recording generated by the CCTV system shall be kept for a period of 31 days.
  4. The system will display on any recording the correct time and date of the recording.
  5. All recording shall be available for inspection and removal for evidence by authorised officers of Surrey Police and Woking Licensing Authority.
- At-least one Personal Licence holder is on site at all times to authorise the sale of Alcohol.
- Where available; to be a member of Off-Watch or similar such scheme.

**Public Safety:**

- CCTV will be set up inside and outside the shop which will put off thieves or any fights.

**The Prevention of Public Nuisance:**

- All shop signs shall be set so they are not so bright that they glare people's eyes.

**The Protection of Children from Harm:**

- A Proof of Age policy (specifically, a 'Think 21' policy) is in place to the satisfaction of the Police and Local Authority, including but not limited to the operation of a refusals book system, a comprehensive programme of training staff on the policy and the Licensing Act 2003 and an authorisation system for the sales of alcohol being made by persons under the age of 18.
- Children under the age of 6 will be assisted in buying anything and the shelves will be properly stacked and not over stacked.



## Appendix 2 – Harry’s Premises Licence

Schedule 12  
Part A

Regulation 33,34



**Woking Borough Council**  
Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

07/00360/PREMIS

### Part 1 – Premises details

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

**Harry's**

2 Walton Road, Woking, Surrey, GU21 5DL,

**Telephone number**

**The date the licence takes effect**

25 October 2007

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Sale of alcohol	Week Days	08:00 - 22:00
Sale of alcohol	Saturday	08:00 - 22:00
Sale of alcohol	Sunday	10:00 - 22:00

**The opening hours of the premises**

Opening hours	Week Days	08:00 - 23:00
Opening hours	Saturday	08:00 - 23:00
Opening hours	Sunday	10:00 - 22:00

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

Off the premises

**Part 2**

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

**Miss Pavendeep Dhese**

369 Rochford Gardens, Slough, Berkshire, Slough, SL2 5XE

E-mail pondhesi1@hotmail.com

Mobile phone number 07796522770

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

Not applicable

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

**Miss Pavendeep Dhese**

369 Rochford Gardens, Slough, Berkshire, SL2 5XE

Mobile phone number 07796522770

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

Personal Licence 006714

Licensing Authority Slough Borough Council

25 October 2007

**Date Licence Issued**



**Head of Planning and Regulation**

**Annex 1 – Mandatory conditions**

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



## **Annex 2 – Conditions consistent with the operating schedule**

### ***General – all four licensing objectives***

- Signs which will clearly state the sale of alcohol to anybody under the age of 18 is illegal. All spirits and cigarettes will be stored behind the counter.
- All spirits and cigarettes will be stored behind the counter.

### ***The prevention of crime and disorder***

- The system will display on any recording the correct time and date of the recording.
- All recording shall be available for inspection and removal for evidence by authorised officers of Surrey Police and Woking Licensing Authority.
- An incident log book will be maintained with regard to any incidence of crime and disorder and any such incident will be reported to the police.
- CCTV cameras will be put up around the premises which will cover the shop area, the front and the back of the premises.
- CCTV approved to the standard expected of the Surrey Police and shall be installed and operational.
- Where available; to be a member of Off-Watch or similar such scheme.
- At-least one Personal Licence holder is on site at all times to authorise the sale of Alcohol.
- All recording generated by the CCTV system shall be kept for a period of 31 days.

### ***Public safety***

- No obstructions on the shop floor area, i.e. promotions.
- Fire exits labelled clearly and kept clear at all times.
- Fire extinguishers in place on the premises.
- Suitable walking conditions
- CCTV will be set up inside and outside the shop which will put off thieves or any fights.

### ***The prevention of public nuisance***

- All shop signs shall be set so they are not so bright that they glare people's eyes.
- Suitable lighting on the shop frontage
- Shop front/shop area should be clean and rubbish should be prevented
- Suitable opening and closing times should be in place.

### ***The protection of children from harm***

- Shelf guards will be put in place to place items suitably and prevent them from dropping.

- A Proof of Age policy (specifically, a 'Think 21' policy) is in place to the satisfaction of the Police and Local Authority, including but not limited to the operation of a refusals book system, a comprehensive programme of training staff on the policy and the Licensing Act 2003 and an authorisation system for the sales of alcohol being made by persons under the age of 18.
- Children under the age of 6 will be assisted in buying anything and the shelves will be properly stacked and not over stacked.
- Cigarettes and alcohol should not be sold to children under the legal age.
- Signs will be displayed to prevent children to purchase anything under the legal age.
- Young children should be accompanied by an adult.

- A Proof of Age policy (specifically, a 'Think 21' policy) is in place to the satisfaction of the Police and Local Authority, including but not limited to the operation of a refusals book system, a comprehensive programme of training staff on the policy and the Licensing Act 2003 and an authorisation system for the sales of alcohol being made by persons under the age of 18.
- Children under the age of 6 will be assisted in buying anything and the shelves will be properly stacked and not over stacked.
- Cigarettes and alcohol should not be sold to children under the legal age.
- Signs will be displayed to prevent children to purchase anything under the legal age.
- Young children should be accompanied by an adult.

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





**Woking Borough Council**

*Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL*

**Premises licence number**

07/00360/PREMIS

**Premises details**

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

**Harry's**

2 Walton Road, Woking, Surrey, GU21 5DL,

**Telephone number**

**The date the licence takes effect**

25 October 2007

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Sale of alcohol	Week Days	08:00 - 22:00
Sale of alcohol	Saturday	08:00 - 22:00
Sale of alcohol	Sunday	10:00 - 22:00

**The opening hours of the premises**

Opening hours	Week Days	08:00 - 23:00
Opening hours	Saturday	08:00 - 23:00
Opening hours	Sunday	10:00 - 22:00

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

Off the premises

**Name, (registered) address of holder of premises licence**

**Miss Pavandeep Dhesi**

369 Rochford Gardens, Slough, Berkshire, Slough, SL2 5XE

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

Not applicable

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Miss Pavandeep Dhesi

**State whether access to the premises by children is restricted or prohibited**

25 October 2007

**Date Licence Issued**



**Head of Planning and Regulation**

## Appendix 3 – Surrey Police Review Application

### Application for the review of a premises licence or club premises certificate 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 **Inspector Emmie Harris**

*(Insert name of applicant)*

**(delete as applicable)**

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Harry's 2 Walton Road
--

<b>Post town</b> Woking	<b>Post code (if known)</b> GU21 5DL
----------------------------	---

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Miss Pavendeeep Dhesi
--

<b>Number of premises licence or club premises certificate (if known)</b> 07/00360/PREMIS
--

#### Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Surrey Police PO Box 101 Guildford Surrey Police GU1 9PE
Telephone number (if any) 101
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**

Harrys is an Off Licence located along Walton Road on the corner of a very busy main road in the centre of Woking town which comprises of mainly residential properties.

This premises sells food as well as cigarettes and Alcohol.

Surrey Police has called for a review of the premises on the grounds of the prevention of crime and disorder as well as the protection of children from harm.

The premises was part of a Test Purchase Operation which took place on 6<sup>th</sup> April 2018 and 8<sup>th</sup> June 2018. On both of these occasions a member of staff has sold alcohol to a child. Following this Surrey Police have concerns regarding the management of the premises.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

On Friday 6<sup>th</sup> April 2018 a test purchase operation was carried out during which Mrs Kulwinder Dhesi served two females who were under the age of 18 alcohol receiving a £90 fixed penalty notice.

On Friday 8<sup>th</sup> June 2018 a test purchase operation was carried out where Mr Sarwan Singh Dhesi served two females under the legal age alcohol receiving a £90 fixed penalty notice. This was the second time within a three month period that the shop had sold alcohol to children.

Whilst attending the premises for the above no one was a personal licence holder which is a breach of the licence conditions.

On Tuesday 19<sup>th</sup> June 2018 Miss Pavendeep Dhesi was spoken to regarding the incidents above. Miss Dhesi had no evidence of staff training records. The refusal log was not able to be viewed but Miss Dhesi informed me that it isn't always used due to the time it takes to fill in. Miss Dhesi also informed me that an incident log is also not kept which another breach of the licensing conditions.

This is not the first time the premises has failed a test purchase operation. In 2015 Hardeep Dhesi sold alcohol to a child and received a Fixed Penalty Notice for this.

Whilst Surrey Police acknowledge the Licensing Committee have options open to them in any decision reached at a hearing, in addition to any such actions, Surrey Police would like the Committee to give consideration to revocation of the premises licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 21/6/18

Capacity T/INSP Woking Borough

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) Licensing Enforcement Officer – Geanine Crowley c/o Woking Council Offices Gloucester Square Woking Surrey	
<b>Post town</b> Woking	<b>Post Code</b> GU21 6YL
<b>Telephone number (if any)</b> 101	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> crowley12674@surrey.pnn.police.uk	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**Buckinghamshire&Surrey**  
trading standards

Tel: 07968 834613  
Email: nicola.smith@bucksandsurreytradingstandards.gov.uk  
General Enquiries: 0300 123 2329  
www.bucksandsurreytradingstandards.gov.uk

Licensing Department  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking  
Surrey  
GU21 6YL

**TRADING STANDARDS**

County Hall, Aylesbury,  
Buckinghamshire HP20 1UP

Consort House, 5-7  
Queensway,  
Redhill, Surrey RH1 1YB

Your Ref:

Our Ref: NS/053856

11<sup>th</sup> July 2018

Dear Sir/Madam

**Re; Harry's, 2 Walton Road, Woking, GU21 5DL**

I refer to the above premises and specifically to our recent notification that Surrey Police have submitted an application for their licence to be reviewed.

Buckinghamshire and Surrey Trading Standards Service, as a Responsible Authority under Section 13(4) of the Licensing Act 2003, support the application for a review of the premise licence on the grounds that the licensing objective 'Protection of Children from Harm' is not being upheld.

In reference to the information received in the licence review application from Surrey Police, this has raised concerns that the licensing objective that relates to protection of children from harm is currently not being upheld by the licence premise holder and designated premises supervisor Miss Pavendeep Dhese

On two occasions within two months persons under the legal age limit have been able to purchase alcohol, which is an offence under the Licensing Act 2003. Furthermore, this is the third failed test purchase within approximately 3 years.

In breach of their current licensing conditions in relation to the licensing objective 'Protection of Children from Harm', it was noted by the police that they are not operating a refusals book system and there was no evidence of staff training records. It is also noted





by the police that they are in breach of other licensing conditions, such as not having a personal licence holder on the premise during the hours of licensable activity.

On 28<sup>th</sup> October 2014 a joint visit was carried out by Trading Standards and Surrey Police to give advice in relation to age restricted products and how to prevent sales of alcohol to persons underage. When the Trading Standards Officer asked to see the refusals log, the officer was told that it was not currently on the premise. A Trading Standards 'Age Restricted Products' advice pack was handed out during the visit which includes a refusals log, training materials and blank training records.

On 19<sup>th</sup> October 2015 the shop was visited by a Trading Standards Officer and advice was given in relation to preventing sales of age restricted products to persons under the legal age limit. On this occasion a refusals book was present but the last entry was 15<sup>th</sup> March 2015.

When the shop was visited by Trading Standards in 2014 and 2015 on both occasions the person present at the shop was noted as Kulwinder Dhesi and the person given as the contact name was Sarwan Dhesi. The shop was visited by Trading Standards in 2016 and 2017, (these visits do not relate to matters concerning underage sales), in 2017 the person who signed the visit sheet was 'Sarwan' and in 2016 it is difficult to clearly see the name but it looks like it was signed by someone of the name Kulwinder. When the police carried out the test purchase on 6<sup>th</sup> April 2018 it was Mrs Kulwinder Dhesi that sold alcohol to persons underage and Mr Sarwan Singh Dhesi on 8<sup>th</sup> June 2018.

It would seem that the designated premises supervisor Miss Pavendeeep Dhesi does not spend much or any time at the shop. Whilst it is not a legal requirement for the designated premises supervisor to be present at the shop or to be responsible for management at the shop. The revised Home Office guidance issued under Section 182 of the Licensing Act 2003 does state that the designated premises supervisor will normally be the person who has been given day to day responsibility for running the premises.

It is a matter for the Licence Committee to decide what actions should be taken to ensure that the licensing objectives are upheld. If the Committee decide not to revoke the licence I would suggest that they may wish to consider the following in relation to the protection of children from harm;

- Removal of the Designated Premises Supervisor
- Suspension of the licence not exceeding a period of three months. This would allow for all staff to receive appropriate training in relation to the licensing objective 'Protection of Children from Harm'. If the costs are reasonable and proportionate that training could be from an external source (if possible within a restricted time frame), e.g. BIIAB Level 1 Award in Responsible Alcohol Retailing, this course covers licensing law in relation to protection of children from harm. Furthermore, a suspension of the licence would allow for staffing resources to be reviewed, as there needs to be an adequate level of staff whom are personal licence holders to

ensure that a personal licence holder is present during all hours of licensable activity.

I do have concerns that the present licence conditions are currently not being upheld. However, if the Licence Committee do decide to amend or adjust the current licensing conditions I would suggest consideration of the following amendments in relation to the licensing objective 'Protection of Children from Harm';

- A challenge 25 policy will be operated so that any person wishing to purchase alcohol who appears to be 25 or under will be asked to provide acceptable photographic ID (drivers licence, passport, or any nationally approved proof of age scheme ID card such as the 'pass' scheme cards) to prove their age (over 18). If no acceptable ID is provided no sale shall take place. Challenge 25 posters to be displayed in the shop in prominent areas around the alcohol section and at the point of sale area. All staff will be trained on the Challenge 25 policy and records will be kept at the shop premise for proof of training for a period of at least two years.
- A Challenges book will be maintained and every challenge for ID that takes place in relation to a sale of alcohol will be clearly entered into that Challenges book and the person/member of staff who made that challenge will be clearly identified. In addition, the Challenges book shall be made available to the Licensing Authority and all Responsible Authorities and will be kept on the shop premises at all times. The Challenges book will be monitored by the designated premises supervisor or owner at least once a month, who will sign and date the book each time it has been monitored.
- A programme of training for all persons involved in the supply of alcohol, whether paid or not, in relation to acceptable forms of ID, identifying fake ID, proxy purchasing, using a Challenges book, Challenge 25 and licensing law with respect to the sale of alcohol to persons underage. All persons involved in the sale of alcohol will receive refresher training at regular intervals of no more than six months.
- Written records shall be kept of all training that is carried out, such records shall include details of the names of those trained including their signature, date of training, and a summary of the matters covered in the training including any material used.
- Training records will be kept on site for a minimum period of 2 years and will be available for inspection.

If you have any queries please do not hesitate to contact me.

Yours faithfully



Nicola Smith  
Trading Standards Officer



## **Appendix 5 – Anti Social Behaviour Representation**

**From: Emma Ibrahim**  
**Sent: 18 July 2018 14:59**  
**Subject: Harry's Licence Review**

I am the Antisocial Behaviour Officer for Woking Borough Council. I have been notified of the licence review for Harry's, 2 Walton Road, Woking, GU21 5DL. I have been dealing with issues in relation to this premises.

In April I was contacted by an occupant of William Booth Place expressing concerns with regards to a number of men who gather at the entrance to the building site to the rear of William Booth Place. There is a concrete block in front of the gates to the site which the men sit on. The men drink, smoke cannabis, shout, argue and become very rowdy. They urinate on the public footpath and deposit a large amount of rubbish such as beer bottles and cans and takeaway food packaging around the area. They harass passers by and also fight which has led to the police being called on more than one occasion.

The complainant once approached the men to try to explain the disturbance they are causing, their balcony overlooks where the men congregate. One of the men blew kisses at the complainant, another undid his trousers and urinated in front of her while laughing. All the men laughed at jeered at this action which obviously left the complainant very distressed and intimidated. On another occasion the complainant was on their balcony holding a mobile phone. The men started shouting abuse and one of them ran towards the balcony, jumped up and tried to spit over it at the complainant. This again left the complainant very shaken and distressed.

This had been happening since the resident moved in a year ago. The police have been called several times but as the area is just outside of the PSPO there is little that can be done to move them on unless they are committing a crime. Sadly the resident has made the decision to move out of the area as they feel it is not acceptable having to deal with this behaviour almost every day

In addition to the disturbance caused to local residents, the other issue caused by the drinkers is litter. A narrow strip of land in between the rear of William Booth Place and the boundary wall had become filled to approximately a foot deep with beer cans and bottles. Also, behind the concrete block where the men sit the rubbish had built up even higher and started to go under the gate into the construction site. This included several take away food packages which would encourage vermin.

This problem has proved to be costly. Myself and 2 PCSOs spent a morning carrying out a door knocking exercise at William Booth Place. Unfortunately not many residents were home but the few we spoke to were aware of the drinkers and avoided them when possible. I have also spent a considerable amount of time tracking down those responsible for clearing the rubbish. HML Andertons who manage William Booth Place, and Surrey County Council who are currently responsible for the construction site, both had to attend and clear the rubbish.

With regards to the licence review I believe in respect of Prevention of Crime and Disorder, Harry's is not acting responsibly. As you can see from the photos attached, it would seem that a large percentage of the bottles and cans were purchased at Harry's. The price labels and prices are identical and there is not another shop in the nearby vicinity where some of these drinks could be purchased. While there is a litter bin outside the shop and the shop front itself is always kept reasonably tidy, no attempt has been made to help reduce the litter accumulating approximately 20 feet from the shop entrance. A more serious concern is that the men regularly go into Harry's to buy alcohol, often already obviously drunk. Despite having been asked by

police, the resident and myself, Harry's continue to serve them, adding to an already volatile situation.

With regards to Protection of Children from Harm, this responsibility is also not being met as the drinkers often gather as early as 3 or 4pm and have been witnessed by the resident staring at school girls passing by and making inappropriate comments.

If you require anything further please contact me.

Kind regards  
Emma

Emma Ibrahim | Anti Social Behaviour Officer



*Old Youth Club Site Walton Road*





*Rear of William Booth Place*





Harrys bottles with price labels matching empties shown in other photos.

## **Appendix 6 – Licensing Authority Statement**

On Monday the 11th of June 2018, the Licensing Department was notified by Surrey Police that they had carried out a series of test purchases on various licenced premises in the Woking area, one of which was Harry's on 2 Walton Road. They informed us that this was the second time in three months that the premises had failed a test purchase and that further action would be required.

On the 19th of June 2018 we received notification from Surrey Police that the Part B of the Licence that was on display in the premises shows a final alcohol sale time of 23:00, which was at odds with what the actual issued licence stated. The premises is only licenced until 22:00 and so has been trading an hour over its licenced time since 2007. Unfortunately due to the time frame, we have not been able to establish why there is a Part B of the Licence with an incorrect date on it. We cannot say whether it was an intentional deception by the premises or an error by the Licensing Authority. As per the records, the premises initially applied for a finish time of 23:00 but during the 2007 Consultation period, it was reduced to 22:00. The applied-for times may have been entered onto the system when the application was received but not corrected prior to the licence being issued. Had this been the case, a second corrected licence would have been sent out to the applicants for their use – and they would have been aware of the incorrect times.

As a result of this information, on the 20th of June 2018, Senior Licensing Officer Matthew Cobb and Licensing Officer Derrick Laing made a visit to the premises at about 15:30 to correct the wrongly displayed licence. We provided them with a copy of the licence as it should have been issued and spoke to a Mr Sarwan Singh Dhesi. Mr Dhesi does not hold a personal licence and as such the premises was in breach of the conditions of its licence. Specifically, that at least one Personal Licence holder must be on site at all times to authorise the sale of Alcohol.

On the 21st of June 2018 a further inspection was carried out by Senior Licensing Officer Matthew Cobb and Surrey Police Licensing Officer Geanine Crowley. At about 13:30 the premises were visited and yet again there was no Personal Licence holder on site, only Mr Sarwan Singh Dhesi, and as such any sales of alcohol were not being carried out in accordance with the conditions of the premises licence.

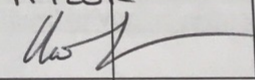
Geanine Crowley asked to see their incident log – as during a previous visit to the premises, the Premises Licence Holder, Miss Pavendeep Dhesi, had not been able to produce it and had been advised that it was a requirement of the licence.

An incident log was produced that sporadically covered periods between 2014 and 2018. The majority of the refusals were signed by a “J Rose” or a “J E Rose”. When Mr Dhesi was asked about this he initially said it was a family member, then stated it was a friend, then stated it was someone who doesn't work at the shop. He finally stated it was a friend of the family who comes in once a week to complete the forms for them. This is then clearly not an accurate log of incidents and makes a mockery of the condition to be on the licence at all. This is evidenced by the confusion in some of the log entries (for example, 25/3/17 it states that a “man who was over the limit” was refused a can of beer. In the description it describes him as a “School boy with no I.D.”)

The Licensing Authority has concerns over the way this premises is being run – specifically in light of recent incidents, the Premises Licence Holder appears to have not taken any advice on board from the Police regarding how to bring their licence up to scratch, or carried out any actions that show they have tried to make improvements following the repeated sale of alcohol to minors.



### REFUSAL LOG

Date	Time	Product	Reason for Refusal	Description of Person	Member of Staff	Member of Staff's Signature
11/10/14	8:30pm	windsor blue	NO ID.	Young boy.	S.D.	
15/10/14	4:15pm	ANNA LOAF.	NO ID.	Young Boy	S.D.	
21/10/14	9:30pm	J.D.	NO ID.	Young girl	SD.	
28/12/14	10:15 am	Green RIZLA	NO ID.	Young Boy	SD.	
4/1/15	2:30pm	10/ Mayfair	NO ID	Young Girl	SD.	
29/1/15	11:45	10/ MAYFAIR	NO ID	Young Boy	S.D.	
15/3/15	6pm	TO MUCH DRUNK	—	Middle age man	K/D.	
19/10/2015	INSPECTED BY CLAIRE TAYLOR TRADING STANDARDS 					

Owner/Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### REFUSAL LOG

Date	Time	Product	Reason for Refusal	Description of Person	Member of Staff	Member of Staff's Signature
22/10/15	1-15	Cigarettes	under 18.	young man	K.D.	
26/10/15	10.10	Bottle of wine	To Drunk	old man	K.D.	
28/10/15	1.10.	Cider bottle	To Drunk AND was TOLD No alcoholic	Middle age	J.E Rose	
10/11/15	3.30	AMBER heat	under 18.	Young Boy	J.E. Rose	
19/11/15	3.30	Mayfair Smooth	under 18	young girl	J. E. Rose.	
25/11/15	10.30	STRONG Bow Cider	To had too much To drunk	Man Middle-aged	J.E Rose.	
7/12/15	9.20	Cigarettes malborough Red	To young no 18.	Young 16/17	J.E Rose	
15/12/15	5.30	bottle of Vodka	Under 18	1 Young Girl + boy	S.S.D	
22/1/16	12.30	Cigarettes	No 1.D	1 Young boy	K.D	

Owner/Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



### REFUSAL LOG

Date	Time	Product	Reason for Refusal	Description of Person	Member of Staff	Member of Staff's Signature
25/1/16	2.30	Cigarettes	Under 18	1 Young girl	FK-D	
27/1/16	6.30	<del>Giro</del> Vodka	<del>Already</del> Not Soba	1 Lady	SS-D	
29/1/16	7.40	Vodka + Cider	Not Soba	1 Man + 1 Lady	S.S.D	
3/2/16	3.30	Cigarettes	under 18.	young Girl	J.ER.	
9/3/16	10.30 AM	Cigarette 10 mayfair	Under 18	Young Boy	J.ER	
11/3/16	12.30 a.m.	Can of Bear.	Older man	To Drunk	J.ER	
18/3/16	4.30.	Cigarette	under 18	Girl	J.ER	
22/3/16	3.30	ALCHOL	old man	He was to drunk to be served	J.ER	
26/3/16	11.30	Cigarettes 10-Rothmans	under 18 Boys	To young to be served	J.ER	

Owner/Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### REFUSAL LOG

Date	Time	Product	Reason for Refusal	Description of Person	Member of Staff	Member of Staff's Signature
3/APRIL 2016	12.45 pm.	4 Caw of Fosters	1-her man was To Drink	middle age man.	J. Rose	
5/5/16	5:30 pm.	2 Caw. Fosters	Boy under 18.	Boy.	J. Rose	
16/5/16	12.30 pm	10 mayfair	Girl. under 21-	Girl.	J. Rose	
13/5/16	9.30 am	1 Bottle Smirnoff	man middle age	man was To Drink and under the effects	J. Rose.	
21/6/16	5.30	Wine Bottle	Girl.	under age of 21	J. Rose.	
23/7/16	11.30	Cigarettes	Girl	under age 21	J. Rose	
6/8/16	12.30	Beer Caw	mid- age man	Refused because here was a street drinker	J. & Rose	
10/7/16	5.30	Cigarettes	<del>was</del> Boy	under age.	J. Rose	
23/8/16	9.30am	Cans of Beer	Street DRINKER	Not-able To serve him	J. Rose	

Owner/Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## REFUSAL LOG

Date	Time	Product	Reason for Refusal	Description of Person	Member of Staff	Member of Staff's Signature
10/10/16	12-30	wine	was to drunk	your Grls.	J. Rose.	
11/11/16	10.am	can of Beer	was to not to serve <del>him</del> <sup>him</sup>	he was a street Drinker	J. Rose.	
18/12/16	3.30	Refuse to serve Cider.	was under age	Boy was to young to be served	J. Rose.	
28/12/16	6.45pm	Cigarettes	was to you to be served	Boy was under age	J. Rose.	

Owner/Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### REFUSAL LOG

Date	Time	Product	Reason for Refusal	Description of Person	Member of Staff	Member of Staff's Signature
26/1/17	10.30	1 can Beer	under age.	Teenage Boy	J. Rose	J. Rose
6/2/17	3.30	Cigarettes	under age girl	Girl	J. Ros	J. Rose
15/3/17	7.30	Glen's Vodka	under age Boy	Teenage Boy	J. Rose	J. Rose
25/3/17	7.30	can of Beer	man was over-the-limit	School Boy with no I.D.	J. Rose	J. Rose
<del>2017</del> 16/5/17	9.15	Bottle small WKD	Boy	No. I.D under-age	J. Rose	J. Rose
6/9/17	3.30.	Cigarettes (Bottle Cider)	Boy	No. ID under-age	J. Rose	J. Rose
19/12/17	5.30	To much To DRINK Man	Man	Drunk and was Refused.	J. Rose	J. Rose
2018 1/2/18	3.45pm	Cigarettes Girl	Girl	NO. I.D was under age -	J. Rose	J. Rose
15/3/18	4.15.	Cider was Refused	Man	DRUNK and was Refused	J. Rose	J. Rose

Owner/Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 7 – Excerpts from the National Guidance**

### **The licensing objectives Crime and disorder**

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



undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **The licensing objectives Public Nuisance**

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

**2.16** Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

**2.17** Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

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

**2.19** Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

**2.21** Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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.

## **The licensing objectives Protection of Children from harm**

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

**2.23** The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

**2.24** It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

**2.25** Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure

that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

**2.26** Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

**2.27** Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

**2.29** Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.



# Supporting Guidance - Pools of Conditions

**The content of this guidance broadly reflects but is not the statutory guidance (or any part of the statutory guidance) issued by the Secretary of State under section 182 of the Licensing Act 2003. This good practice guidance should be viewed as indicative and may be subject to change. Revised statutory guidance issued under section 182 of the Licensing Act 2003 was laid in Parliament on 25 April 2012 and is available on the Home Office website.**

## CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
  - the nature, type and location of the venue;
  - the activities being conducted there and the potential risk which these activities could pose to the local area;
  - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
  - the anticipated clientele.

**Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.**

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.

## PART 1. CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

### RADIO LINKS AND TELEPHONE COMMUNICATIONS

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or

telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

#### DOOR SUPERVISORS

Conditions relating to the provision of door supervisors and security teams may be valuable in relation to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

## RESTRICTING ACCESS TO GLASSWARE

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be given to customers for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

## ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

## OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate measures to prevent public nuisance (see Part 4).



## CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

## RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply.

Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

## CAPACITY LIMITS

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but can also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be required to ensure that the numbers are appropriately controlled (see above).

## PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details

of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

#### CRIME PREVENTION NOTICES

It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to voluntarily display such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

#### DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

#### SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

#### LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises that have exceptionally high capacities, are used primarily or exclusively for the sale and consumption of alcohol, and provide little or no seating for their customers.

Where appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;

- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see Chapter 10 to control entry for the purpose of compliance with the capacity limit.

## **PART 2. CONDITIONS RELATING TO PUBLIC SAFETY**

The attachment of conditions to a premises licence or club premises certificate will not relieve employers of their duties to comply with other legislation, including the Health and Safety at Work Act 1974 and associated regulations; and, especially, the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore inappropriate.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies. See Chapter 2 of the statutory guidance for more detail about the Order or <http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>

### **GENERAL**

Additional matters relating to cinemas and theatres are considered in Part 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules; and licensing authorities and other responsible authorities may consider the following guidance, where relevant:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2



- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm) The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

**In most premises, therefore, relevant legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.**

#### SAFETY CHECKS

- Safety checks are carried out before the admission of the public.
- Details of such checks are recorded and available to the relevant authorities for inspection.

#### ESCAPE ROUTES

- Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily opened without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

#### DISABLED PEOPLE

That adequate arrangements exist to enable the safe evacuation of disabled people in the event of an emergency; and that disabled people on the premises are made aware of those arrangements.

## LIGHTING

- That lighting in areas accessible to the public, members or guests shall be adequate when they are present.
- That emergency lighting functions properly.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

## CAPACITY LIMITS

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and be required to inform any authorised person on request.

## ACCESS FOR EMERGENCY VEHICLES

- Access for emergency vehicles is kept clear and free from obstruction.

## FIRST AID

Adequate and appropriate supply of first aid equipment and materials is available on the premises.

If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

## TEMPORARY ELECTRICAL INSTALLATIONS

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.



- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

In relation to the point in the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams (for example, where temporary electrical installations are made in theatres for television show performances). In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons (for example, those employed by the television company).

#### INDOOR SPORTS ENTERTAINMENTS

- If appropriate, a qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed by a competent person and/ or inspected by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Executive and Sport England).

#### SPECIAL EFFECTS

The use of special effects in venues being used for regulated entertainment can present significant risks. Special effects or mechanical installations should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Part 3.

#### ALTERATIONS TO THE PREMISES

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

The application for variation will enable responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

## OTHER MEASURES

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be appropriate to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Part 1 for further detail).

## **PART 3. THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)**

In addition to the points in Part 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

### **PREMISES USED FOR CLOSELY SEATED AUDIENCES**

#### ATTENDANTS

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1,000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.
- (c) Attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to an authorised person on request.

- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of temporary seating shall be kept available at the premises and shall be shown to an authorised person on request.

#### SEATING

Where the potential audience exceeds 250 all seats in the auditorium should be securely fixed to the floor or battened together in lengths of not fewer than four and not more than twelve.

Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
  - (i) sit in a gangway;
  - (ii) stand or sit in front of an exit; or
  - (iii) stand or sit on a staircase, including landings.

#### DRINKS

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to, or be consumed by, a closely seated audience except in plastic and paper containers.

#### BALCONY FRONTS

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

#### SPECIAL EFFECTS

Special effects or mechanical installations should be arranged and stored so as to minimise risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;

- firearms;
- motor vehicles;
- strobe lighting;
- lasers; and
- explosives and highly flammable substances.

In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order. Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95)
- 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

## CEILINGS

Ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person, who will decide when a further inspection is necessary, and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

## PREMISES USED FOR FILM EXHIBITIONS

### ATTENDANTS – PREMISES WITHOUT A STAFF ALERTING SYSTEM

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor



#### ATTENDANTS – PREMISES WITH A STAFF ALERTING SYSTEM

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1,000	Three	Two
1001 – 1,500	Four	Four
1,501 or more	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

#### MINIMUM LIGHTING

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

#### **PART 4. CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from public nuisance, including noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

##### **HOURS**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

##### **NOISE AND VIBRATION**

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

#### NOXIOUS SMELLS

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

#### LIGHT POLLUTION

Flashing or particularly bright lights at the premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.



## OTHER MEASURES

Other measures previously mentioned in relation to the crime prevention objective may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

## **PART 5. CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

### ACCESS FOR CHILDREN TO LICENSED PREMISES – IN GENERAL

The 2003 Act prohibits unaccompanied children from premises that are exclusively or primarily used for the supply of alcohol for consumption on the premises. Additional restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where they are appropriate to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

It is recommended (unless there are circumstances justifying the contrary) that in relation to:

- premises with known associations (having been presented with evidence) with or likely to give rise to: heavy or binge or underage drinking;
- drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years;
- premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances should, when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, it is recommended that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children, subject to the terms of the 2003 Act.

#### AGE RESTRICTIONS – SPECIFIC

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- The hours in a day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day.
- Types of event or activity that are unlikely to require age restrictions, for example:
  - family entertainment; or
  - alcohol free events for young age groups, such as under 18s dances,
- Types of event or activity which give rise to a more acute need for age restrictions than normal, for example: during “Happy Hours” or drinks promotions;

#### AGE RESTRICTIONS – CINEMAS

The British Board of Film Classification classifies films in accordance with its published Guidelines, which are based on research into public opinion and professional advice. It is therefore recommended that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role.

Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Suitable for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Suitable for viewing by persons aged 15 years and over.
- 18 – Suitable for viewing by persons aged 18 years and over.

- R18 - To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at [www.bbfc.co.uk](http://www.bbfc.co.uk) before applying relevant conditions. In addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**Persons under the age of [insert Appropriate age] cannot be admitted to any part of the programme**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."



## THEATRES

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is appropriate to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be appropriate. Entertainment may also be presented at theatres specifically for children (see below). Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children during any emergency (See Part 3).

## PERFORMANCES ESPECIALLY FOR CHILDREN

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## CHILDREN IN PERFORMANCES

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended prescribe requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is appropriate to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.

- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

#### THE PORTMAN GROUP CODE OF PRACTICE ON THE NAMING, PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

#### PROOF OF AGE CARDS

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder.



## LICENSING SUB-COMMITTEE A – 1 AUGUST 2018

### REVIEW OF A PREMISES LICENCE – BUDGENS, 1 CHERTSEY ROAD, WOKING

#### Executive Summary

This report considers an application to review the Premises Licence (PL) for the above premises from Surrey Police.

#### Recommendations

The Committee is requested to:

**RESOLVE THAT** the report be considered and the application be determined accordingly.

**The Sub-Committee has the authority to determine the above recommendation.**

#### Background Papers:

Application form  
Operating Schedule  
Representations from Statutory Bodies and Interested Parties  
Sustainability Impact Assessment  
Equalities Impact Assessment

#### Reporting Person:

Matthew Cobb, Senior Licensing Officer  
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

#### Contact Person:

Matthew Cobb, Senior Licensing Officer  
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

#### Date Published:

23 July 2018

## 1.0 Summary of Proposal

**Application Type:** Review of Premises Licence  
**Variation:** No  
**Site Address:** 1 Chertsey Road, Woking, Surrey, GU21 5AA  
**Applicant** Surrey Police, Woking  
**Application Ref:** 17/00056/PREMIS

## 2.0 Description of Premises and Existing Licence

2.1 Medium sized retail shop with off-licence

2.2 Current licensed hours of operation are:

Sale of Alcohol, Monday to Saturday inclusive – 08:00 to 23:00

Sale of Alcohol, Monday to Saturday inclusive – 10:00 to 22:30

2.3 The Premises Licence is attached as Appendix 1

## 3.0 Details of Application

3.1 Surrey Police have called for a review of the premises licence on the grounds that it believes the Licensing Objectives of prevention of crime and disorder and the protection of children from harm are being adversely affected. The full application is attached as Appendix 2.

## 4.0 Promotion of Licensing Objectives

4.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

## 5.0 Relevant Representations

5.1 The following representations have been received in relation to the application:

### Responsible Authorities

Surrey Police: Original review application, attached as Appendix 2  
Surrey Fire and Rescue Service: No representations received.  
Environmental Health (WBC): No representations received.

Planning Authority (WBC):	No representations received.
Social Services (SCC):	No representations received.
Trading Standards:	Representations received, attached as Appendix 3

**Interested Parties**

Members of Public:	No representations received.
Other Persons:	Representations received from Welcome Skills on behalf of Mr Nurul Islam. Attached as Appendix 6.

**6.0 Policy Considerations**

- 6.1 In making its decision, the Sub-Committee is obliged to have regard to the relevant national Guidance (Appendix 4) and the Council’s own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears, and its duty under S17 Crime and Disorder Act 1998.
- 6.2 The Licensing Officer considered the following policies taken from the **‘Licensing Policy for Woking Borough’** should be considered for this application.

**From Woking Borough Council Licensing Policy 2016-2021**

**6.5** The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.

**6.6** The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

**7.0 The Licensing Objectives (Prevention of Crime and Disorder)**

**7.1** The Council will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter or leave.

**7.2** In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to

prevent, crime and disorder in the Borough.

**7.3** The Council will expect applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

In particular, the Council will expect applicants to address the following matters.

- Physical security features e.g. use of toughened drinking glasses.
- Procedures for the risk assessment of alcohol promotions, such as 'happy hours' (please see 7.5).
- The use of licensed door supervisors.
- Amount of seating to be provided to reduce issues in high volume vertical drinking (HVVD) establishments.
- Training given to staff in crime prevention measures.
- Measures agreed with the police to reduce crime and disorder.

Participation in the Woking Pubwatch Scheme will be expected of licence applicants for all bar, pub and nightclub premises in the Borough.

**7.4** N/A

**7.5** N/A

**7.6** The Council recognises that licence conditions should not replicate offences that are set out in the Licensing Act or other legislation. With this in mind, the Council will, when considering an application for a premises licence upon the receipt of relevant representations, consider attaching conditions to licences and certificates to deter and prevent crime and disorder both inside and in the immediate vicinity of the premises. These may include conditions drawn from the Pool of Conditions relating to the prevention of crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities that take place there.

## **8.0 The Licensing Objectives (Protection of Children from Harm)**

**10.1** The Council will carry out their licensing functions with a view to protecting children from harm. In addition to the specific prohibitions in the Licensing Act on the access of unaccompanied children to certain premises between certain hours, licensees will be expected to take measures to ensure the safety and welfare of children on their premises. The Council is committed to reducing the problems arising from under-age drinking and to protect children from moral, psychological or physical harm.

**10.2** The Council will expect applicants to include in their operating schedules the steps they propose to take to prevent harm to children. In particular, the Council will expect applicants to address the following matters within their operating schedules.

- Where alcohol is to be sold, applicants must include details of the measures they

propose to prevent the supply of alcohol to children. It is expected that:

- a) in addition to requiring passports or photo driving licences, a proof of age scheme approved and accredited by the Proof of Age Standards Scheme (PASS) e.g. Citizen Card, Connexions Card, Portman Card will be in operation
  - b) staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification), such training to be properly documented and records made available for inspection. Trading Standards encourage retailers to train their staff specifically about what forms of ID are acceptable and how to check that they are genuine in order to avoid selling to young people using fake ID (currently a growing concern due to the easy access to fakes online and the increasing sophistication of fakes).
  - c) registers of refused sales will be maintained and made available for inspection.
  - d) a policy of requesting suitable photographic identification from those appearing to be below or close an age limit above the legal age for alcohol sale/purchase , for example, Challenge 25. In line with Trading Standards, the adoption of a 'Challenge 25' age verification policy is particularly recommended as this is now accepted as best practice by industry and enforcing authorities.
- Applicants must indicate whether they are signatories to the Portman Group Code of Practice (see 10.6.6).
  - Where children are expected to attend regulated entertainment, the measures proposed to ensure their safety.

**10.3** The Surrey Child Protection Unit will be consulted on applications for premises licences and club premises certificates.

**10.4** Applicants needing advice on how to avoid age-restricted sales may contact Surrey Trading Standards.

**10.5** The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include items drawn from the Pool of Conditions relating to the protection of children from harm.

**10.6** Child access to licensed premises

**10.6.1** The Council will consider the individual merits of each application before deciding whether it is necessary to limit the access of children to any given premises. The following are examples of premises that will raise particular concern.

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there is a known association with drug taking or dealing.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Where there is a strong element of gambling on the premises (but not, for example, the



simple presence of a small number of cash prize gaming machines).

- Where entertainment or services of an adult or sexual nature are commonly provided. The Council will not normally grant permission for entertainment of an adult or sexual nature in premises near schools, churches, youth clubs or other premises where children are likely to attend.

**10.6.2** The Council may consider that additional steps for limiting the access of children to licensed premises are necessary in order to prevent harm. These steps (which may be adopted in combination) include:

- limitations on the hours when children may be present
- limitations on the presence of children under certain ages when particular specified activities are taking place
- limitations on the parts of premises to which children might be given access age limitations (below 18)
- Requirements for an accompanying adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

**10.6.3** Conditions will not be attached to licences or certificates requiring that children be admitted to any premises. Where no licensing restriction is necessary, this will be left to the discretion of the individual licensee, club or person who has been given a temporary event notice. Applicants for premises licences and club premises certificates may volunteer prohibitions and restrictions in their operating schedules if their risk assessments have determined that the presence of children is undesirable or inappropriate. If the Council receives no relevant representations, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate.

**10.6.4** N/A

**10.6.5** The Council supports PASS, which aims to approve and accredit proof of age schemes to assist in preventing underage access to unsuitable premise and the purchasing of alcohol. This scheme, introduced by the British Retail Consortium and audited by the Trading Standards Institute, identifies reliable and secure proof of age schemes with the same hologram mark in order that retailers can easily distinguish accredited cards from forgeries or cards under unreliable schemes.

**10.6.6** The Council supports the aims of the Portman Group and commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks to all applicants.

- The Portman Group operates the Code on behalf of the alcohol industry with the aim of ensuring that all alcoholic drinks are promoted in a socially responsible manner and only to those aged 18 years or older.
- The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products in licensed premises in a manner which may appeal to or attract children. An independent

complaints panel considers complaints about products under the Code, and publishes their decisions on the Portman Group's website, in the trade press and in its annual report.

- If a product's packaging or point of sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point of sale material, until the decision has been complied with.
- If a retailer continues to stock products or point of sale material which have been found in breach of the Code by the Independent Complaints Panel, the Portman Group may notify the Council and request it to take this into account, subject to legal requirements, when considering whether to grant, transfer, renew or revoke licences. Breaches of the Code may also be notified to the Local Authorities Co-ordinators of Regulatory Services (LACORS), which may, in some cases, lead to prosecutions under appropriate legislation
- Companies may indicate their support for the Code and their willingness to abide by the decisions of the Independent Complaints Panel by becoming code signatories.

6.3 The "Pool of Conditions" is provided as Appendix 5.

6.4 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

(a) to modify the conditions of the licence; (either permanently or temporarily for up to three months);

(b) to exclude a licensable activity from the scope of the licence; (either permanently or temporarily for up to three months);

(c) to remove the designated premises supervisor (not applicable where alcohol is not licensed)

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence;

Committee may also offer informal advice and guidance or take no further action.

6.5 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## 7.0 Implications

### Financial

7.1 There are no significant financial implications. The applicant, licence holder and any interested parties or responsible authorities who have made a representation have the right of appeal to a Magistrates' Court (within 21 days starting the day after the date a decision is reached) should they feel any decision is unjust. Although there is a possibility

costs may be awarded against the Council where decisions are overturned, case law shows this as unlikely where the Council are shown to be acting in accordance with their duties as Licensing Authority based on information supplied at the time.

#### Human Resource/Training and Development

7.2 None.

#### Community Safety

7.3 Improving standards and ensuring compliance can potentially improve community safety in line with the Licensing Objectives as set out in the Licensing Act 2003

#### Risk Management

7.4 The risks to the Council associated with determining an application are:

- Failure to undertake our statutory responsibilities within required timescales;
- Making a decision that could be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
- Making a decision that compromises Community Safety.

7.5 These risks have been dealt with in the report under section 6.0 by highlighting that the Sub-Committee is required to determine this application for a premises licences under the Licensing Act 2003 having due regard to the four licensing objectives, national guidance, the local licensing policy, relevant representations and evidence presented at the hearings. Determining applications in this way will reduce the risk of the decisions of the Council being open to challenge via appeal to the Magistrates court and promote Community Safety in the Borough.

#### Sustainability

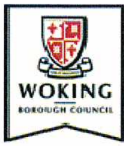
7.6 The four licensing objectives addressed in the Council's licensing policy, which the Sub-Committee is obliged to have regard to in making its decision, are in line with the Council's sustainability aims.

### **8.0 Conclusions**

8.1 The Committee is asked to consider the review application, contents of this report and its appendices, the evidence and representations presented, answers to questions posed and deliver its decision with reasons.

REPORT ENDS

### **Appendix 1 – Budgens Premises Licence**



**Woking Borough Council**  
Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

17/00056/PREMIS

**Part 1 – Premises details**

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

**Budgens**

1 Chertsey Road, Woking, Surrey, GU21 5AA

**Telephone number**

**The date the licence takes effect**

3 March 2017

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Sale of alcohol	Week Days	08:00 - 23:00
Sale of alcohol	Saturday	08:00 - 23:00
Sale of alcohol	Sunday	10:00 - 22:30

**Seasonal variation / non-standard timings:**

Christmas Day: 12.00 to 15.00 and 19.00 to 22.30

**The opening hours of the premises**

Not applicable

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

Off premises

PREMIS

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
<b>Mr Nurul Islam</b>	
8 Woodlands Court, Constitution Hill, Woking, Surrey, GU22 7RY,	
E-mail	budgens838@btconnect.com
Home phone number	01483 761320


<b>Registered number of holder, for example company number, charity number (where applicable)</b>
Not applicable

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Mr Nurul Islam</b>	
8 Woodlands Court, Constitution Hill, Woking, Surrey, GU22 7RY,	
Home phone number	01483 761320

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
Personal Licence	17/00045/PERSON
Licensing Authority	Woking Borough Council

3 March 2017

**Date Licence Issued**



**Senior Licensing Officer**

PREMIS



## **Annex 1 – Mandatory conditions**

- 1) No supply of alcohol may be made under the premises licence
  - (1) At a time when there is no Designated Premises Supervisor in respect of the premises licence, or
  - (2) At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
  - (1) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - (2) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objective.
  - (3) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective.
  - (4) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (5) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - a. a holographic mark or
  - b. an ultraviolet feature.
- 6) The responsible person shall ensure that–
  - (1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
    - a. beer or cider: 1/2 pint;
    - b. gin, rum, vodka or whisky: 25 ml or 35 ml; and

**PREMIS**

- c. still wine in a glass: 125 ml; and
  - (2) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (3) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 7) (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula:-  $P = D + (D \times V)$  where:
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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**Annex 2 – Conditions consistent with the operating schedule**

***General – all four licensing objectives***

None

***The prevention of crime and disorder***

None

***Public safety***

None

***The prevention of public nuisance***

None

***The protection of children from harm***

None

PREMIS

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

Not applicable

PREMIS

Annex 4 – Plans

P:\3 Store Schematics\Region South East\Alldays South East-151 Stores\Woking 2 -Chertsey Road- 2417\WokingChertsey-P2-A.dwg, Carl Killian

**05/00281/PREMS**

COMPONENT DESIGN & FITNESS FOR PURPOSE: This copy has been checked for compliance with the Building Regulations and the Building Act 1984. It is the responsibility of the Designer to ensure that the design complies with the Building Regulations and the Building Act 1984. The Designer shall be responsible for ensuring that the design complies with the Building Regulations and the Building Act 1984. The Designer shall be responsible for ensuring that the design complies with the Building Regulations and the Building Act 1984.

DESCRIPTION OF AREAS BY DRAWING:

DESCRIPTION OF AREAS BY DRAWING	DESCRIPTION OF AREAS BY DRAWING	DESCRIPTION OF AREAS BY DRAWING	DESCRIPTION OF AREAS BY DRAWING	OTHER INFO	Future Approval:	Signature	Date	Store Name and Address:	Store Type:	Store Description of Goods:	Store Size (sqm):	Store Size (sqft):	Store Size (sqm):	Store Size (sqft):	Store Size (sqm):	Store Size (sqft):	
				Use space reserved for other information such as notes etc. - not space for future approval.	Store Planning Category (French)	Signature	Date	151 Chertsey Road, Woking, Surrey, GU24 0PU	Warehouse	Warehouse	151 Chertsey Road	282 sqm	308 sqft	282 sqm	308 sqft	282 sqm	308 sqft

**EXISTING BASEMENT**

PREMIS

UNITED ASSURERS Survey Information  
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**Woking Borough Council**

Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

17/00056/PREMIS

**Premises details**

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

**Budgens**

1 Chertsey Road, Woking, Surrey, GU21 5AA

**Telephone number**

**The date the licence takes effect**

3 March 2017

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Sale of alcohol	Week Days	08:00 - 23:00
Sale of alcohol	Saturday	08:00 - 23:00
Sale of alcohol	Sunday	10:00 - 22:30

**Seasonal variation / non-standard timings:**

Christmas Day: 12.00 to 15.00 and 19.00 to 22.30

**The opening hours of the premises**

Not applicable

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

Off premises

PREMIS

**Name, (registered) address of holder of premises licence**  
**Mr Nurul Islam**  
8 Woodlands Court, Constitution Hill, Woking, Surrey, GU22 7RY,

**Registered number of holder, for example company number, charity number (where applicable)**  
Not applicable

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**  
Mr Nurul Islam

**State whether access to the premises by children is restricted or prohibited**

3 March 2017

**Date Licence Issued**



**Senior Licensing Officer**

PREMIS

## Appendix 2 – Surrey Police Application for a Review

### Application for the review of a premises licence or club premises certificate 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 **Inspector Emmie Harris**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Budgens 1 Chertsey Road	
--	--

<b>Post town</b> Woking	<b>Post code (if known)</b> GU21 5AA
----------------------------	---

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Nural Islam
---

<b>Number of premises licence or club premises certificate (if known)</b> 17/00056/PREMIS
--

#### Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

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

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Surrey Police PO Box 101 Guildford Surrey Police GU1 9PE
Telephone number (if any) 101
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**

Budgens is an Off Licence located along Chertsey Road it is on the corner of a very busy main road in the centre of Woking Town.

This premises sells food as well as cigarettes and Alcohol.

Surrey Police has called for a review of the premises on the grounds of the prevention of crime and disorder as well as the protection of children from harm.

The premises was part of a test purchase operation which took place on 6<sup>th</sup> April 2018 and 8<sup>th</sup> June 2018. On both of these occasions a member of staff has sold alcohol to a child. Following this Surrey Police have concerns regarding the management of the premises.



**Please provide as much information as possible to support the application**  
(please read guidance note 2)

On Friday 6<sup>th</sup> April 2018 a test purchase operation was carried out during which Mr Salahuddin Khan served two females who were under the age of 18 alcohol and received a £90 fixed penalty notice.

Following this a visit was made to the premises on Wednesday 18<sup>th</sup> April 2018 where it was found that:

- There were no training records for any staff.
- The refusals log was clearly not used regularly as it wasn't to hand when asked for it by staff.
- There was no written authorisation to sell alcohol from Mr Islam and when this was discussed he did not appear to know what this meant.
- When asked for his personal licence this was not on Mr Islam's person and stored downstairs.

Mr Nural Islam was given time to correct this and I attended the premises again on Thursday 10<sup>th</sup> May 2018. On this visit again the seriousness of the matter did not appear to have been processed by Mr Islam as training records were still not complete and there was an attitude that it wasn't important.

On Friday 8<sup>th</sup> June 2018 another test purchase operation was carried out where Mr Salahuddin Khan again served alcohol two females who were under the age of 18. He will now be summoned to court due to committing the same offence within a three month period having already received a ticket for the same offence.

This is not the first time the premises has failed a test purchase operation. In 2015 the premises sold alcohol to a child while Mr Islam in charge of the premises.

Whilst Surrey Police acknowledge the Licensing Committee have options open to them in any decision reached at a hearing, in addition to any such actions, Surrey Police would like the Committee to give consideration to:

- Removal of the Designated Premises Supervisor.
- There should also be a Personal Licence Holder present on the premises whilst licensable activity is taking place.

Also for the following conditions being added to the Premises Licence as follows:

- CCTV to be in operation whilst any licensable activity takes place and shall record for over 31 days. CCTV shall be able to be downloaded onto a removal storage system (either DVD or USB Stick).
- CCTV shall be made available within 24 hours of a request by Police or responsible authority.
- There should be at least one member of staff on site who is able to operate the CCTV system and download if required whenever licensable activity takes place.
- CCTV should cover all areas of licensable activity as well as the entrance enabling clear facial images of those entering the premises. The system should be able to cope with all levels of illumination throughout the premises as well as outside areas.
- Date and time of CCTV shall always be accurate with no time delays.
- A Challenge 25 policy will be operated at the premises, forms of identification that will be accepted are valid passport, photo card driving licence, HM Forces identity card and PASS accredited identification card

- Signs placed in prominent position explaining Challenge 25 is in force
- A Refusal Log shall be kept at the premises and maintained, logging any refusal of alcohol. This shall be made available for inspection by Police and any other Responsible Authority.
- An Incident Log shall be kept at the premises and maintained, logging any incidents that occur at the premises as well as any that have required police to be call. This shall be made available for inspection by Police or any other Responsible Authority.



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 21/6/18

Capacity Woking Borough Insp.

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) Licensing Enforcement Officer – Geanine Crowley c/o Woking Council Offices Gloucester Square Woking Surrey	
<b>Post town</b> Woking	<b>Post Code</b> GU21 6YL
<b>Telephone number (if any)</b> 101	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) crowley12674@surrey.pnn.police.uk	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

## Appendix 3 – Trading Standards representation



Tel: 07968 834613  
Email: nicola.smith@bucksandsurreytradingstandards.gov.uk  
General Enquiries: 0300 123 2329  
www.bucksandsurreytradingstandards.gov.uk

Licensing Department  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking  
Surrey  
GU21 6YL

### TRADING STANDARDS

County Hall, Aylesbury,  
Buckinghamshire HP20 1UP

Consort House, 5-7  
Queensway,  
Redhill, Surrey RH1 1YB

Your Ref:

Our Ref: NS/053855

11<sup>th</sup> July 2018

Dear Sir/Madam

### Re; Budgens, 1 Chertsey Road, Woking, GU21 5AA

I refer to the above premises and specifically to our recent notification that Surrey Police have submitted an application for their licence to be reviewed.

Buckinghamshire and Surrey Trading Standards Service, as a Responsible Authority under Section 13(4) of the Licensing Act 2003, support the application for a review of the premise licence on the grounds that the licensing objective 'Protection of Children from Harm' is not being upheld.

In response to the information received in the licence review application from Surrey Police, we have concerns that the licensing objective that relates to protection of children from harm is currently not being upheld by the licence premise holder and designated premises supervisor Mr Nurul Islam.

It is alarming that on two occasions within approximately two months that children have been supplied alcohol from this premise.

It is also concerning that despite a failed test purchase and a previous visit from the police on 18th April, during the visit on 10th May the police found that there were still incomplete training records and Mr Islam had an attitude that 'it wasn't important'. The visits that Mr Islam received from the police would have been opportunities for him to listen to advice in relation to the systems that he could implement to help ensure that there were no further





sales of alcohol to anyone under 18 years old. However, it would seem that regardless of the previous failed test purchase and the two visits he received from the police, the premise failed another test purchase on 8<sup>th</sup> June 2018.

Although the outcome of the Licence Review is of course a matter for the Licensing Committee, it is my view that in relation to the licensing objective protection of children from harm that the committee may wish to consider the following;

- Removal of the designated premises supervisor.

I would also suggest that in relation to the licensing Objective 'Protection of Children from Harm' that the Licensing committee may also wish to consider the inclusion of the following conditions on the premise licence;

- A challenge 25 policy will be operated so that any person wishing to purchase alcohol who appears to be 25 or under will be asked to provide acceptable photographic ID (drivers licence, passport or any nationally approved proof of age scheme ID card such as the 'pass' scheme cards) to prove their age (over 18). If no acceptable ID is provided no sale shall take place. Challenge 25 posters to be displayed in the shop in prominent areas around the alcohol section and at the point of sale area. All staff will be trained on the Challenge 25 policy and records will be kept at the shop premise for proof of training for a period of at least two years.
- A Challenges book will be maintained and every challenge for ID that takes place in relation to a sale of alcohol will be clearly entered into that Challenges book and the person/member of staff who made that challenge will be clearly identified. In addition, the Challenges book shall be made available to the Licensing Authority and all Responsible Authorities and will be kept on the shop premises at all times. The Challenges book will be monitored by the designated premises supervisor or owner at least once a month, who will sign and date the book each time it has been monitored.
- A programme of training for all persons involved in the supply of alcohol, whether paid or not, in relation to acceptable forms of ID, identifying fake ID, proxy purchasing, using a Challenges book, Challenge 25 and licensing law with respect to the sale of alcohol to persons underage. All persons involved in the sale of alcohol will receive refresher training at regular intervals of no more than six months.
- Written records shall be kept of all training that is carried out, such records shall include details of the names of those trained including their signature, date of training, and a summary of the matters covered in the training including any material used.
- Training records will be kept on site for a minimum period of 2 years and will be available for inspection.
- A personal licence holder is present in the shop during the hours of licensable activity.

If you have any queries in connection with this matter please do not hesitate to contact me.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Nicola Smith', with a stylized flourish.

Nicola Smith  
Trading Standards Officer

## **Appendix 4 – Excerpts from National Guidance**

### **The licensing objectives Crime and disorder**

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

undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **The licensing objectives Protection of Children from harm**

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

**2.23** The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

**2.24** It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

**2.25** Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

**2.26** Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

**2.27** Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;

- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

**2.29** Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.



# Supporting Guidance - Pools of Conditions

**The content of this guidance broadly reflects but is not the statutory guidance (or any part of the statutory guidance) issued by the Secretary of State under section 182 of the Licensing Act 2003. This good practice guidance should be viewed as indicative and may be subject to change. Revised statutory guidance issued under section 182 of the Licensing Act 2003 was laid in Parliament on 25 April 2012 and is available on the Home Office website.**

## CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
  - the nature, type and location of the venue;
  - the activities being conducted there and the potential risk which these activities could pose to the local area;
  - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
  - the anticipated clientele.

**Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.**

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.

## PART 1. CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

### RADIO LINKS AND TELEPHONE COMMUNICATIONS

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or

telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

#### DOOR SUPERVISORS

Conditions relating to the provision of door supervisors and security teams may be valuable in relation to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

## RESTRICTING ACCESS TO GLASSWARE

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be given to customers for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

## ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

## OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate measures to prevent public nuisance (see Part 4).



## CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

## RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply.

Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

## CAPACITY LIMITS

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but can also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be required to ensure that the numbers are appropriately controlled (see above).

## PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details

of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

#### CRIME PREVENTION NOTICES

It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to voluntarily display such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

#### DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

#### SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

#### LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises that have exceptionally high capacities, are used primarily or exclusively for the sale and consumption of alcohol, and provide little or no seating for their customers.

Where appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;



- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see Chapter 10 to control entry for the purpose of compliance with the capacity limit.

## **PART 2. CONDITIONS RELATING TO PUBLIC SAFETY**

The attachment of conditions to a premises licence or club premises certificate will not relieve employers of their duties to comply with other legislation, including the Health and Safety at Work Act 1974 and associated regulations; and, especially, the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore inappropriate.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies. See Chapter 2 of the statutory guidance for more detail about the Order or <http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>

### **GENERAL**

Additional matters relating to cinemas and theatres are considered in Part 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules; and licensing authorities and other responsible authorities may consider the following guidance, where relevant:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm) The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

**In most premises, therefore, relevant legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.**

#### SAFETY CHECKS

- Safety checks are carried out before the admission of the public.
- Details of such checks are recorded and available to the relevant authorities for inspection.

#### ESCAPE ROUTES

- Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily opened without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

#### DISABLED PEOPLE

That adequate arrangements exist to enable the safe evacuation of disabled people in the event of an emergency; and that disabled people on the premises are made aware of those arrangements.

#### LIGHTING

- That lighting in areas accessible to the public, members or guests shall be adequate when they are present.
- That emergency lighting functions properly.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

#### CAPACITY LIMITS

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and be required to inform any authorised person on request.

#### ACCESS FOR EMERGENCY VEHICLES

- Access for emergency vehicles is kept clear and free from obstruction.

#### FIRST AID

Adequate and appropriate supply of first aid equipment and materials is available on the premises.

If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

#### TEMPORARY ELECTRICAL INSTALLATIONS

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

In relation to the point in the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams (for example, where temporary electrical installations are made in theatres for television show performances). In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons (for example, those employed by the television company).

#### INDOOR SPORTS ENTERTAINMENTS

- If appropriate, a qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed by a competent person and/ or inspected by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Executive and Sport England).

#### SPECIAL EFFECTS

The use of special effects in venues being used for regulated entertainment can present significant risks. Special effects or mechanical installations should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Part 3.

#### ALTERATIONS TO THE PREMISES

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

The application for variation will enable responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.



## OTHER MEASURES

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be appropriate to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Part 1 for further detail).

## **PART 3. THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)**

In addition to the points in Part 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

### **PREMISES USED FOR CLOSELY SEATED AUDIENCES**

#### ATTENDANTS

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1,000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.
- (c) Attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to an authorised person on request.



- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of temporary seating shall be kept available at the premises and shall be shown to an authorised person on request.

#### SEATING

Where the potential audience exceeds 250 all seats in the auditorium should be securely fixed to the floor or battened together in lengths of not fewer than four and not more than twelve.

Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
  - (i) sit in a gangway;
  - (ii) stand or sit in front of an exit; or
  - (iii) stand or sit on a staircase, including landings.

#### DRINKS

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to, or be consumed by, a closely seated audience except in plastic and paper containers.

#### BALCONY FRONTS

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

#### SPECIAL EFFECTS

Special effects or mechanical installations should be arranged and stored so as to minimise risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;

- firearms;
- motor vehicles;
- strobe lighting;
- lasers; and
- explosives and highly flammable substances.

In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order. Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95)
- 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

## CEILINGS

Ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person, who will decide when a further inspection is necessary, and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

## PREMISES USED FOR FILM EXHIBITIONS

### ATTENDANTS – PREMISES WITHOUT A STAFF ALERTING SYSTEM

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

#### ATTENDANTS – PREMISES WITH A STAFF ALERTING SYSTEM

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1,000	Three	Two
1001 – 1,500	Four	Four
1,501 or more	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

#### MINIMUM LIGHTING

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

#### **PART 4. CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from public nuisance, including noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

##### **HOURS**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

##### **NOISE AND VIBRATION**

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:



Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

#### NOXIOUS SMELLS

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

#### LIGHT POLLUTION

Flashing or particularly bright lights at the premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.



## OTHER MEASURES

Other measures previously mentioned in relation to the crime prevention objective may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

## **PART 5. CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

### ACCESS FOR CHILDREN TO LICENSED PREMISES – IN GENERAL

The 2003 Act prohibits unaccompanied children from premises that are exclusively or primarily used for the supply of alcohol for consumption on the premises. Additional restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where they are appropriate to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

It is recommended (unless there are circumstances justifying the contrary) that in relation to:

- premises with known associations (having been presented with evidence) with or likely to give rise to: heavy or binge or underage drinking;
- drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years;
- premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances should, when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, it is recommended that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children, subject to the terms of the 2003 Act.

#### AGE RESTRICTIONS – SPECIFIC

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- The hours in a day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day.
- Types of event or activity that are unlikely to require age restrictions, for example:
  - family entertainment; or
  - alcohol free events for young age groups, such as under 18s dances,
- Types of event or activity which give rise to a more acute need for age restrictions than normal, for example: during “Happy Hours” or drinks promotions;

#### AGE RESTRICTIONS – CINEMAS

The British Board of Film Classification classifies films in accordance with its published Guidelines, which are based on research into public opinion and professional advice. It is therefore recommended that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role.

Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Suitable for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Suitable for viewing by persons aged 15 years and over.
- 18 – Suitable for viewing by persons aged 18 years and over.

- R18 - To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at [www.bbfc.co.uk](http://www.bbfc.co.uk) before applying relevant conditions. In addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**Persons under the age of [insert Appropriate age] cannot be admitted to any part of the programme**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."



## THEATRES

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is appropriate to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be appropriate. Entertainment may also be presented at theatres specifically for children (see below). Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children during any emergency (See Part 3).

## PERFORMANCES ESPECIALLY FOR CHILDREN

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## CHILDREN IN PERFORMANCES

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended prescribe requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is appropriate to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.

- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

#### THE PORTMAN GROUP CODE OF PRACTICE ON THE NAMING, PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

#### PROOF OF AGE CARDS

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder.





Licensing Dept  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking GU21 6YL

27<sup>th</sup> June 2018

Dear Sirs,

**Re Rudgens, 1 Chertsey Road, Woking, Surrey GU21 5AA**  
**No 17/00056/PREMIS. – Review of The of Premises Licence.**

With regard to the above mentioned matter we act on behalf of Mr Nurul Islam and thank you for your letter dated 22<sup>nd</sup> June with your application. We have gone through the application and confirm that Mr Islam is very sorry for the two breaches of the Licensing Act 2003. Indeed he has already apologized to the Police officers. We await the date of the hearing.

The Licensing Committee have various options open to them when reaching a decision. Mr Islam is prepared to agree and undertake to comply with the following conditions that are proposed by Surrey Police namely :-

- That there should be a Personal Licence Holder present on the premises while licensable activities are taking place.
- CCTV be in operation whilst any licensable activity takes place and shall record for 31 days. CCTV shall be able to be downloaded onto a removal storage system (DVD or USB Stick)
- CCTV shall be made available within 24 hours of a request by Surrey Police or any responsible authority.
- There should be at least one member of staff on site who is able to operate the CCTV system and download if required whenever licensable activities are taking place.
- CCTV should cover all areas of licensable activity as well as the entrance enabling clear facial images of those entering the premises.
- Date and time of CCTV shall always be accurate with no time delays.
- A Challenge 25 policy will be operated at the premises, forms of ID that will be accepted are valid passport, photo card driving licence, HM Forces identity card and PASS.



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- Signs placed in prominent positions explaining Challenge 25 is in force.
- A refusals log shall be kept at the premises and maintained. The log shall be available to Surrey Police and any responsible authority
- An incident log shall be kept at the premises and maintained. The log shall be available to Surrey Police and any responsible authority

The licensing committee will have to consider the removal of Mr Islam as the DPS. We would request there is no change in the DPS in this case for the following reasons :-

- 1 Since the first test purchasing incident on Friday 6<sup>th</sup> April 2018, Mr Islam has implemented a training programme. He has trained his staff, followed advice Surrey Police and enforced Challenge 25. He has maintained a training log, a refusals log book and an incident book. These have been shown to Surrey Police.
- 2 With regard to Challenge 25, the policy has been adopted and more signs have been placed in prominent positions in Budgens.
- 3 With regard to CCTV the system is working and there are 16 cameras in the premises with two cameras on the entrance to enable the operator to obtain clear facial images. Mr Islam is arranging the system to be checked by a technician. Mr Islam is training his staff to operate the CCTV system.
- 4 Both test purchasing incidents involved one rogue employee serving alcohol to members of the public aged under 18. [REDACTED] received vigorous training after the first test purchasing incident and ignored company policy / instructions. He was dismissed for gross misconduct and we enclose a copy of his dismissal letter. A copy of the letter was given to Surrey Police.
- 5 Mr Islam has now training four employees who have obtained Level 2 Personal Licence awards. Including Mr Nurul Islam there are now five employees who have been trained and are qualified with Level 2 awards. A copy of two level 2 awards have been shown to Surrey Police. The training included Challenge 25 and verification of identification.

Mr Islam is very sorry for the breaches that have taken place and apologies profusely to all the Responsible authorities. Indeed, he has two boys (aged 17 and 12) and realises the paramount need to protect children from harm as well as to prevent crime and disorder. He is a law abiding citizen and this is the first time he has been involved with the police.

Yours faithfully,

  
Welcome Skills Limited

BUDGENS

1 Chertsey Road, Woking, Surrey GU21 5AB

Re Gross Misconduct - Termination of Your Employment on 08/06/18  
Budgens, 1 Chertsey Road, Woking, Surrey GU21 5AB  
Employment Protection (Consolidation) Act as amended.

Further to our conversation on Friday 8<sup>th</sup> June 2018, I am writing to you to confirm the termination of your employment with Budgens. Our meeting took place after an inspection of Budgens by the Licensing Officer of the Metropolitan Police at about 6.00pm following an incident. As discussed during the meeting, your willful conduct was inconsistent with the continuation of your contract of employment that resulted in a serious breach of the Licensing Act 2003. It could have caused a serious risk to a member of the public and would have affected the reputation and viability of Budgens. You have failed to carry out lawful and reasonable instructions that were consistent with your contract of employment which warrant summary dismissal. Budgens may now face a prosecution as a result of your behaviour.

You are required not to sell or supply alcohol to anyone under the age of 18 and you are required to get proof of the customer's age before any sale of alcohol takes place. You have received training and literature on this subject. You have failed to comply with our company policies and your conduct is unacceptable. Selling Alcohol to a minor could lead to a prosecution with a fine of £10,000. You have failed to comply with the Licensing Act 2003 on two separate occasions.

You will be paid your accrued salary and any agreed entitlements up to the date of your dismissal including overtime. You may wish to seek information and advice from a solicitor or the Employment Tribunal.

Yours faithfully

Mr N Islam  
Budgens.

