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TO THE CHAIRMAN AND MEMBERS OF THE LICENSING SUB-COMMITTEE B

You are hereby summoned to attend a meeting of the Licensing Sub-Committee B to be held on Tuesday, 20 November 2018 at 6.30 pm 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

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Appointment of Vice-Chairman

To appoint a Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

2. Minutes

To approve the minutes of the meeting of the Licensing Sub-Committee B held on 12 September 2018 as published.

3. 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.

4. 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

5. Application for a Premises Licence - Budgens, 1 Chertsey Road, Woking (Pages 3 - 74)

Reporting Person – Matt Cobb

AGENDA ENDS

Date Published - 8 November 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



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Agenda Item 5.

LICENSING SUB-COMMITTEE B – 20 NOVEMBER 2018

APPLICATION FOR A PREMISES LICENCE – BUDGENS, 1 CHERTSEY ROAD, WOKING

Executive Summary

This report considers an application for a Premises Licence (PL) for the above premises which varies its existing conditions.

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:

8 November 2018

1.0 Summary of Proposal

Application Type: New Premises Licence

Variation: No

Site Address: 1 Chertsey Road, Woking, Surrey, GU21 5AB

Applicant Mrs Eva Chowdhury of 8 Woodlands Court, Woking & Mr Muhammad Waseem Khan-Sherwani of 7 Essenden Road, South Croydon.

Application Ref: 18/00296/PREMIS

2.0 Description of Premises

2.1 The premises are to be a supermarket store selling alcohol for off-sales.

3.0 Details of Proposal and Operating Schedule

3.1 To licence the premises for the Sale of Alcohol (off sales only) Monday to Saturday 0700 to 2300 and Sunday 0800 to 2230.

3.2 Application is attached as Appendix 1.

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.

4.2 The operating schedule submitted in the application form, which is attached in Appendix 1, shows a list of proposed conditions that the applicant has put forward to describe the steps they intend to take to promote the four licensing objectives.

5.0 Relevant Representations

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

Responsible Authorities

Surrey Police:

An **Objection** has been received on the grounds of the prevention of crime and disorder. The Objection Letter is attached as Appendix 2.

Surrey Fire and Rescue Service:

No objections have been received.

Environmental Health (WBC):

No objections have been received.

Planning Authority (WBC):

No objections have been received.

Social Services (SCC):	No objections have been received.
Trading Standards:	No objections have been received.
Public Health:	No objections have been received.
Home Office Immigration Dept:	No objections have been received.

Interested Parties

Members of Public:	No objections have been received.
Other Persons:	No objections have been received.

6.0 Policy Considerations

- 6.1 In making its decision, the Sub-Committee is obliged to have regard to national Guidance (Sections attached as Appendix 3) 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.
- 6.2 The Licensing Officer considered the following policies taken from the '**Licensing Policy for Woking Borough**' should be considered for this application.

6.0 Fundamental Principles

- 6.3 The Council recognises that public houses, nightclubs, restaurants, hotels, theatres, private members clubs, concert halls and cinemas all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, regard will be given to those differences and the differing impact these will have on the local community.
- 6.4 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.
- 6.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- i) Grant the application as made.
 - ii) Modify the conditions of the licence, by altering, removing or adding to them.
 - iii) Reject the whole or part of the application.
- 6.4 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.
- 6.5 To assist the Licensing Committee, the 'Pool of Conditions' is attached as Appendix 4 and excerpts from the National Guidance on Conditions are attached as Appendix 5.
- 7.0 The Cumulative Impact Zone**
- 7.1 The Premises upon which the application is for is located within Woking Borough Councils Cumulative Impact Zone. The relevant section of Woking Borough Councils Licensing Policy relating to the Cumulative Impact Zone is attached as Appendix 6.
- 8.0 Premises Background**
- 8.1 The premises located at 1 Chertsey Road was first licenced as a Co-Op Shop by the Licensing Authority on the 24 November 2005, following the introduction of the Licensing Act 2003. Before this date it seems that it was licenced, but the details of which would have been under the control of the Justice of the Peace who had the responsibility under the Licensing Act 1964.
- 8.2 In January 2008 the premises changed from being a Co-Op to being a Budgens.
- 8.3 On the 16 February 2017, the Premises Licence for Budgens was transferred over to become the responsibility for Mr Nurul Islam of 8 Woodlands Court. Mr Islam also became the Designated Premises Supervisor for the premises.
- 8.4 Following a number of failed test purchases (where alcohol was sold to a minor) and a lack of confidence in the Premises, evidenced by visits to the site, on the 21 June 2018, Surrey Police called for a review of the Premises Licence, supported by Bucks and Surrey Trading Standards.
- 8.5 The Review Hearing was scheduled for the 1st of August 2018 and the Premises Licence Holder had arranged for Mr Waseem Sherwani of Welcome Skills Ltd to liaise with the Licensing Authority on his behalf.
- 8.6 On the 1st of August 2018, neither the Premises Licence Holder nor Mr Waseem Sherwani attended the hearing. The Licensing Sub-Committee made the decision to revoke the Premises Licence for Budgens. In line with the legislation the revocation is not

due to take place for another 21 days – effectively meaning they could keep trading until the 23rd of August 2018.

- 8.7 On the 15th of August 2018, the premises licence was transferred into the responsibility of Mr. Muhammad Waseem Khan-Sherwani. However due to Licensing Laws that state that the new licence holder steps into the shoes of the old licence holder without any changes to the licence, the conditions, or the outcome of Licensing Sub-Committees it did not prevent the licence being due to be revoked on the 23 August 2018.
- 8.8 On the 20 of August 2018, we received notification from Mr Sherwani that an appeal had been made by the former Premises Licence Holder to Guildford Magistrates Court. The Licensing Authority tried to advise Mr Sherwani that as Mr Sherwani was now the Licence Holder as of the 15 August 2018, the former Premises Licence Holder had no legal right to make an appeal on the 20 August 2018 as he was not the licence holder any more. However – what this did mean was that as an appeal was in process, they could continue trading until such time as a decision was made on their appeal.
- 8.9 On the 26 September 2018, at around 11.30am, Guildford Magistrates Court dismissed the appeal. Both Mr Waseem Sherwani, as the then current Premises Licence Holder, and the former Premises Licence Holder were in attendance. As there was no longer an appeal in process there was no longer a valid Premises Licence.
- 8.10 On the 26 September 2018, a visit was made to the premises at 17:03 by an off-duty Licensing Officer, whereupon not only was it evident that Alcohol was still being sold – but the visiting party was able to purchase alcohol despite there being no licence in place.
- 8.11 As a result, on the 26 September 2018, a visit was made to the premises at approximately 17:30 by uniformed officers from Surrey Police. The officers advised the manager on duty at the time that he must cease selling alcohol and must remove all alcohol from the premises. The manager that the Police spoke to was the former Premises Licence Holder whom Mr Sherwani had taken over from.
- 8.12 On the morning of the 27 September 2018 a follow up visit was made to the premises, whereupon Matthew Cobb from the Licensing Authority assisted Geanine Crowley, Licensing Officer for Surrey Police along with a uniformed Police Officer. It was evident that there was a large amount of alcohol still on the shop floor and it seemed that the advice provided by Police Officers the evening before had not been followed. The manager / former Premises Licence Holder was on site and when spoken to about why he had continued selling alcohol despite having no licence, he advised the attending group that Mr Sherwani had told him to carry on selling the alcohol. Whilst in attendance, staff of the shop were working to remove all the alcohol from the premises.
- 8.13 Mr Sherwani was written to about this infraction, and the Licensing Authority expressed their concerns about Mr Sherwani's lack of involvement, lack of understanding and lack of responsibility resulting in allowing the premises to continue trading even though he was well aware that the licence appeal had been dismissed.

9.0 Previous Licence Application

- 9.1 On the 25 September 2018 (prior to the events of sections 8.9 to 8.13 of this report), an application for a premises licence for Budgens at 1 Chertsey Road was received from Mr Muhammad Waseem Khan-Sherwani.

- 9.2 On the 28 September 2018, Geanine Crowley – as a consultee on the Premises Licence Application – expressed her concerns over Mr Sherwani's suitability to be a Premises Licence Holder, and advised that she would be putting in an objection.
- 9.3 On the 30 September 2018 Mr Sherwani officially withdrew his application.
- 9.4 The fee for a Premises Licence Application is for the application and **not** the granting of the licence, and so as per the Licensing Act 2003 and the Licensing Act 2003 (fees) Regulations 2005 there is no legal provision for the refund of any application fees where a Premises Licence application is withdrawn or refused. However - as a gesture of good will, the Licensing Department issued Mr Sherwani with a 75% refund. This enabled Woking Borough Council to cover our costs as a Public Authority whilst also ensuring that Mr Sherwani was not out of pocket for his withdrawn application.

10.0 Current Licence Application

- 10.1 On the 9 October 2018, a new Premises Licence Application was received with the applicants being Mr Sherwani of 7 Essenden, South Croydon, and Mrs Eva Chowdhury of 8 Woodlands Court, Woking (the same address as the Premises Licence Holder who had been liable prior to Mr Sherwani taking over). This is the Premises Licence Application we are dealing with at this hearing.
- 10.2 The Designated Premises Supervisor (DPS) was listed as a Mr Mohammed Asif Parvez of 68 Lavender Vale, Wallington.
- 10.3 On the 6 November 2018 an email was received from Mr Parvez stating that there had been an application for a premises licence / personal licence made in his name for Budgens, and he did not want to go ahead with this. His involvement was removed from the Application and Mr Sherwani was duly notified. At the time of the writing of this report, no other DPS has been put forward for consideration.
- 10.4 The Section 182 Guidance on the Licensing Act states that conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. It expands on this by saying that Licence conditions:
 - must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

10.5 Following a review of the proposed conditions, the Licensing Authority is of the opinion that the vast majority do not meet the above guidance and therefore do not make suitable, appropriate or enforceable conditions. An overview of the proposed conditions, assessed in line with the S182 Guidance, is attached as Appendix 7.

11.0 The Red Fort

11.1 The Licensing Authority is currently dealing with another premises, The Red Fort, located at 39 Chertsey Road. The Premises Licence Holder and DPS for this site is Mr Nurul Islam (the former Premises Licence Holder and current manager of Budgens) and the agent who is acting on behalf of Mr Islam is Mr Waseem Sherwani of Welcome Skills.

11.2 The Red Fort is a restaurant and is only licenced for sale of alcohol **on** the premises.

11.3 In September 2018, information was received from Just-Eat showing that between February and September, there had been no less than 94 incidents resulting in the sale of 141 alcoholic beverages for off-sales. This was clearly in contravention of their licence and the Licensing Authority is currently dealing with Mr Sherwani and Mr Islam in relation to this incident.

12.0 Implications

Financial

12.1 There are no significant financial implications. A nationally set application fee is charged to defray the cost of processing applications.

Human Resource/Training and Development

12.2 None.

Community Safety

12.3 Addressed by considering the application.

Risk Management

12.4 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.

12.5 These risks have been dealt with in the report under section 4.0 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

- 12.6 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.

13.0 Conclusions

- 13.1 The Sub Committee is requested to consider the report, the evidence it will hear, representations made, responses to question made and give its decision with reasons.
- 13.2 Any decision reached will not come into force until the 21 day appeal period expires or any appeal is dealt with by the Courts if so called.

REPORT ENDS

**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 Mrs Eva Chowdhury and Mr Muhammad Waseem Khan-Sherwani

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Ground Floor and Basement at 1 Chertsey Road, Woking, Surrey GU21 5AB known as Budgens

Post town	Woking	Post code	GU21 5AB
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Telephone number at premises (if any)	01483 761320
Non-domestic rateable value of premises	£28000

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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

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 <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Chowdhury			First names Eva		
I am 18 years old or over			<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address		8 Woodlands Court Constitution Hill Woking Surrey GU22 7RY			
Post Town	Woking			Postcode	GU22 7RY
Daytime contact telephone number		07535135588			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Khan-Sherwani		First names Muhammad Waseem			

I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address	7 Essenden Road Sanderstead South Croydon Surrey		
Post Town	Croydon	Postcode	CR2 0BW
Daytime contact telephone number		07904163214	
E-mail address (optional)	sherwanicricket@hotmail.com		

(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
0	9	1
1	1	2
0	1	8

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

Day	Month	Year
1	1	1
1	1	1
1	1	1

Please give a general description of the premises (please read guidance note1)
The ground floor and basement commercial premises is a Budgens Super market store selling alcohol, cigarettes, confectionery and general household items. It is proposed that the store continues to be used as a Budgens store. The Premises did have a Premises Licence for the sale of alcohol to be consumed off the premises (No 17/00056/PREMIS) and in a review the Premises Licence was revoked by the Woking Borough Council Licensing Sub-Committee following breaches of test purchasing incidents whilst Mr Islam was the DPS. The Premises Licence was transferred by the Woking Borough Council to the second Applicant and Mr Islam lost his appeal in the Guildford Magistrates Court. Before the appeal the premises licence was successfully transferred to the second applicant.

This application contains exactly the same licensing activities on the previous premises licence that have been transferred to the second Applicant. The Applicants proposes to adopt the same Mandatory conditions (Annex 1 and 2) that have already been made and are attached to this application. In view of the two breaches that have occurred by the previous DPS (Mr Nurul Islam) following test purchasing, the Applicants are making a fresh application by putting in place a more robust system to prevent underage sales. In a previous application for a transfer of a Premises Licence the second Applicant had already been approved by the Council's licensing authority and the Surrey Police as the DPS.

In order to make a fresh start the Applicants have appointed a new experienced manager to be the DPS who will be attending the Budgens premises daily. He will supervise, advise, train and manage the staff. He will pay particular emphasis on ensuring that there is no underage selling by the staff at Budgens. Mrs Eva Choudhury lives in Woking and will also be attending the premises at Budgens daily. She will apply for a photocard. The second applicant will inspect the premises from time to time.

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

0

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 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:

i) 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

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3) State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>			
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur				
Fri			State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		
Mon			Indoors	<input type="checkbox"/>	
			Outdoors	<input type="checkbox"/>	
Tue			Both	<input type="checkbox"/>	
			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	<input type="checkbox"/>	
			Outdoors	<input type="checkbox"/>	
Both	<input type="checkbox"/>				
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 3)</u>		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</u>		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	0700	2300		Both	<input type="checkbox"/>
			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	0700	2300	Christmas Day 1200 hours to 1500 hours and 1900 hours to 2230 hours		
Wed	0700	2300			
Thur	0700	2300	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	0700	2300	None		
Sat	0700	2300			
Sun	0800	2230			

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

Name Mr Mohammed Asif Parvez	
Address 68 Lavender Vale Wallington Surrey	
NB Copy of the personal licence is attached	
Postcode	SM6 9QT
Personal Licence number (if known) 5870/10/00412/LAPERS	
Issuing licensing authority (if known) London Borough of Sutton	

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)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0700	2300	None
Tue	0700	2300	
Wed	0700	2300	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	0700	2300	None
Fri	0700	2300	
Sat	0700	2300	
Sun	0800	2230	

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)

At all times we will comply with the fire regulations, the Licensing Act 2003 and the Health & Safety regulations. The staff will receive training. The premises will be kept clean and tidy at all times. All alcohol to children will be inaccessible. The alcohol will be stored in a lockable store room in the basement and to minimise the risk of theft. We undertake to promote the four licensing objectives at all times and make sure the property is insured. We will maintain employers liability insurance. The safety of customers, staff and suppliers is paramount. There will be fire extinguishers, a first aid box, 11 CCTV cameras and notices to enable us to maintain safety whilst the premises are open. In view of the breaches of the Licensing Act the Applicants will make sure underage sales do not take place by staff. In addition the staff member who sold alcohol on two separate occasions to customers under 18 was dismissed for gross misconduct.

b) The prevention of crime and disorder

We will employ sufficient trained staff. They will be trained to be vigilant. Some employees will have training or level 2 NCPHL awards. We will display adequate notices and observe the Licensing regulations. We will refuse to serve any customer who is drunk and disorderly. We will implement the Challenge 25 policy, have a zero tolerance policy on drugs and have good lighting. The alcohol will be stored, displayed and served in a responsible manner. We will work with the police and local groups. We will co-operate with the Licensing authority and will use their best endeavours to ensure that there are no further breaches of the law.

c) Public safety

In order to protect the public and the staff we will continue to maintain 11 CCTV cameras, adequate lighting and put up notices. We will ensure all fire precautions are taken including fire alarms and extinguishers. We will keep the fire doors free from obstruction. We will be vigilant of any hazards that may cause harm to members of the public and carry out a risk assessment if necessary. We will record and review the risk assessment. We will maintain an accident book and a refusals book. From time to time we will have fire drills and make sure the film recording on the CCTV cameras are fairly and securely maintained in accordance with the Data Protection Act. The CCTV will be operational, kept in good working order and images will be retained for at least one month. Two employees will be able to operate the CCTV system.

d) The prevention of public nuisance

We will adopt Challenge 25 from the date of the Premises Licence and will get the staff to sign a verification policy. We will adopt "no pass no go". We will discourage youths from hanging around and loitering outside the premises. We will make sure all rubbish is cleared away and display challenge 25 posters. We will display a "Quiet Notice" at the exit of the restaurant and try to keep noise to a minimum to assist local residents. CCTV will assist in keeping noise and disturbances to a minimum. The Applicant proposes the Mandatory conditions (Annex 1 and 2). These conditions were the same conditions attached to the Premises Licence which was transferred by the Woking Borough Council to the second Applicant earlier this year and when the Woking Council approved the second Applicant as the Designated Premises Supervisor.

e) The protection of children from harm

The protection of children from harm is of paramount importance. We will remain vigilant at all times and manage the sale of alcohol responsibly. There will be no irresponsible promotions. In view of the previous breaches of underage selling, we undertake to do everything we can not to sell alcohol to anyone under the age of 18. We will not sell knives or weapons. The staff will insist on appropriate identification documents such as a passport or driving licence. The beers and spirits will be stored correctly. The two tills will be placed behind the front counter. The alcohol will be stored in a lockable room in the premises. All staff will never work alone and we will carry out CRB checks. The Applicant is aware of the fact that the previous licence holder (Mr Islam) sold alcohol to customers under 18 years. The new DPS is a British Citizen and has held a personal licence for over eight years. Both applicants have level NCHPL qualifications and the second Applicant has held a photocard since 1st April 2014.

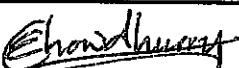
Please tick yes

- 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	05/10/2018
Capacity	Applicant

For joint applications signature of 2nd applicant or 2nd 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	05/10/18
Capacity	Applicant. (former Licence Holder & DPS)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

M W Khan-Sherwani
7 Essenden Road
Sanderstead
Croydon

Post town	Croydon	Post code	CR2 0BW
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Telephone number (if any)	07904163214
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
sherwanicricket@hotmail.com

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. 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.

LONDON BOROUGH OF SUTTON

LICENSING ACT 2003
PERSONAL LICENCE

Mohammed Asif

Parvez

Licence No

5870/10/00412/LAPERS

Expires 26 May 2020



Consent of individual to being specified as premises supervisor

M OHAMMED Asif PARVEZ

[full name of prospective premises supervisor]

of 68 LAVENDER VALE

WALLINGTON

SURREY

SM6 9RT

[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

NEW PREMISES LICENCE

[type of application]

by

EVA CHOWDHURY & MUHAMMAD WASEEM KHAN-SHERWANI

relating to a premises licence

NOT KNOWN

[number of existing licence, if any]

for BUDGENS

1 CHERTSEY ROAD

WOKING

SURREY GU2 5AA

[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

EVA CHOWDHURY & MUHAMMAD WASEEM KHAIR-SHEIKHANI
[name of applicant]

concerning the supply of alcohol at

BUDGENS
1 CLOUTSEY ROAD,
WOKING
SURREY GU21 5AA

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

5870/10/00412/LAPERS
[insert personal licence number, if any]

Personal licence issuing authority

LONDON BOROUGH OF SUTTON
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

MUHAMMED ASIF PARVEZ

Date

4 October 2018

ORIGINAL PREMISES LICENCE PLAN

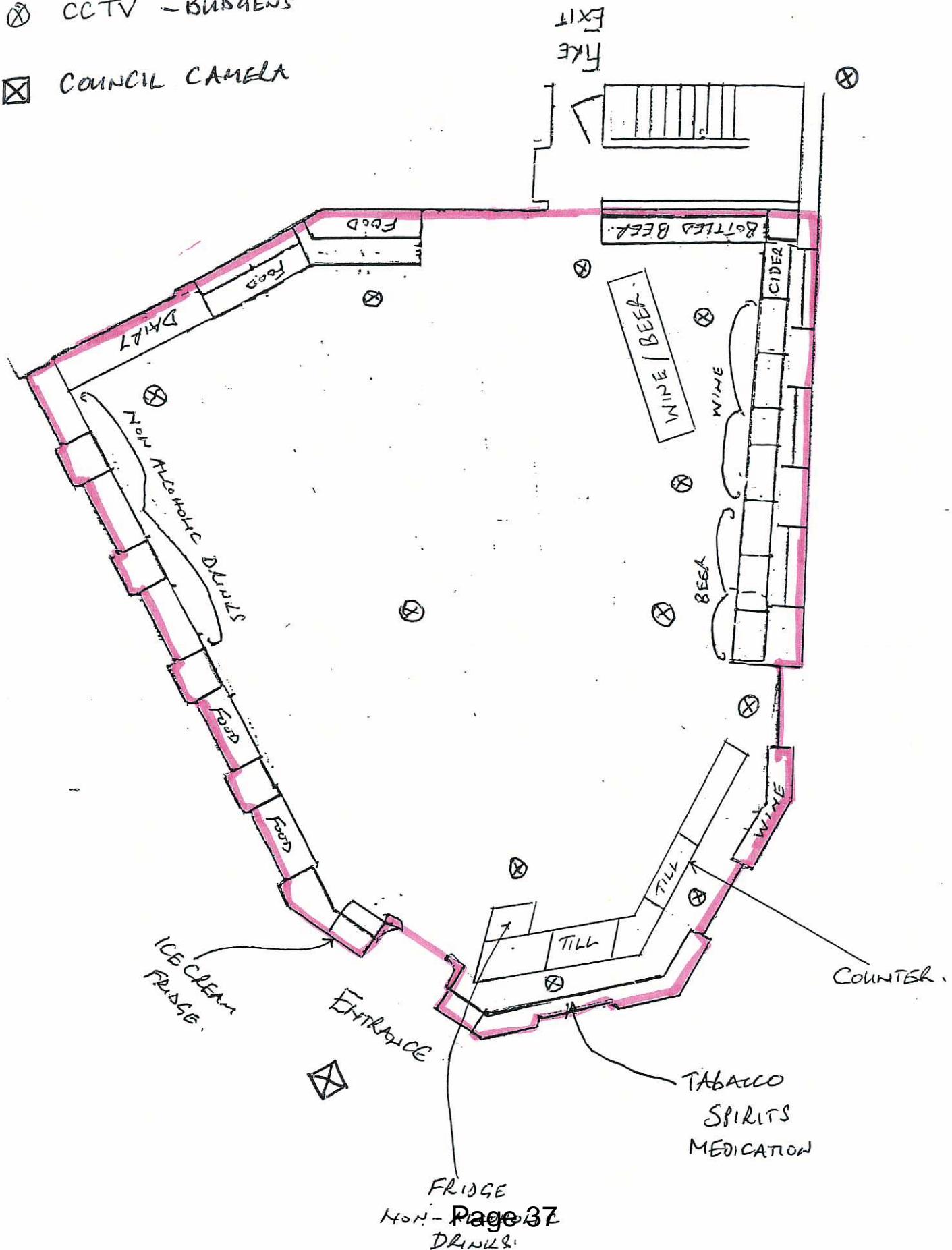
Annex 4 – Plans

1 CHERTSEY ROAD

BUDGENS, 1 CHERTSEY ROAD, WOKING, SURREY

(X) CCTV - BUDGENS

(X) COUNCIL CAMERAS



Our Ref:

Your Ref:

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

23rd October 2018

Dear Sir,

Surrey Police as a Responsible Authority wish to make formal representation against the application for a Premises Licence at 1, Chertsey Road, Woking, GU21 5AB.

The grounds for objection concern the prevention of crime and disorder and the protection of children from harm.

The application conditions do not evidence fully how it will prevent crime and disorder or protect children following on from the premises licence being revoked due to underage sales of alcohol.

I have concerns over Mr Sherwani's running of the premises due to him allowing the shop to continue to sell alcohol once the licence was revoked following going to court and the appeal being rejected. As such I don't believe Mr Sherwani would uphold the licensing objectives.

Yours Sincerely

Geanine Crowley
Licensing Enforcement Officer

Revised Guidance issued under section 182 of the Licensing Act 2003
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. 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.

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/firesafetylegal/>

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 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:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
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.

Special 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 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.

Revised Guidance issued under section 182 of the Licensing Act 2003

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged.

Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Steps to promote the licensing objectives

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

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

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

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

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

Conditions: General

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition

attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate:

- proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

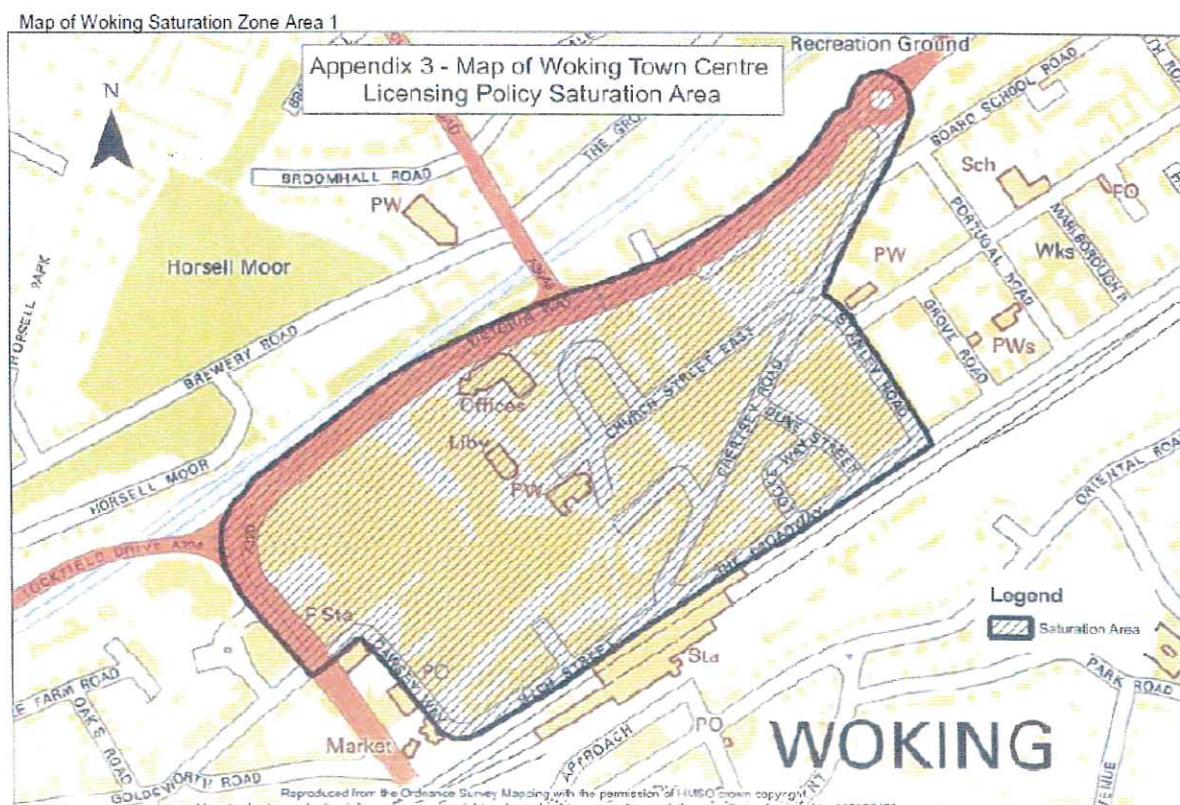
The Cumulative Impact Zone

taken from Licensing Policy for Woking Borough

From January 2016 to January 2021

7.7.9 Within the zone, there will be a presumption that all applications for new premises licences, new club premises certificates or variations to existing licences of these type (that are likely to add to the cumulative impact zone) will be refused, following a relevant representation. In making applications for new or varied licences, it will be for the applicant to demonstrate in their operating schedule how they will not add to the cumulative impact of the area in one or all of the licensing objectives. Whilst there is a presumption against the granting of consent, each application will be dealt with individually on its merits and the Council recognises that there may be special circumstances which warrant making an exception. For example, different styles of outlet and manner of operation will impact on the licensing objectives in differing degrees. For the Saturation Policy to apply a relevant representation must be made and if no such objections are received, an application must be granted consistent with the operating schedule submitted.

7.7.10 This Policy will not be used to determine or respond to the 'need' for the facility. This is a matter for the market and planning to determine and not the licensing authority.



Proposed Condition	Licensing Authority View	Apt?
"At all times we will comply with the fire regulations, the Licensing Act 2003 and the Health & Safety regulations."	Redundant: Duplicates other statutory requirements	✗
"The staff will receive training."	Not precise. What will the training entail? How often will they be required to be re-trained? Will records of training be kept?	?
"The premises will be kept clean and tidy at all times."	Not really appropriate for the promotion of the licensing objectives, however could be argued that keeping the premises clean and tidy ensures safety.	?
"All alcohol to children will be inaccessible."	Not precise. How are the premises going to ensure alcohol is inaccessible to children? Will it only be stored on high shelves?	?
"The alcohol will be stored in a lockable store room in the basement and to minimise the risk of theft."	Having visited the premises, we are aware of how difficult it is to get to the basement. The suggestion that alcohol will be inaccessible and stored in the basement is not realistically capable of being met.	✗
"We undertake to promote the four licensing objectives at all times and make sure the property is insured."	Redundant: Duplicates other statutory requirements.	✗
"We will maintain employers liability insurance."	Redundant: Duplicates other statutory requirements.	✗
"The safety of customers, staff and suppliers is paramount."	Redundant: Duplicates other statutory requirements.	✗
"There will be fire extinguishers, a first aid box, 11 CCTV cameras and notices to enable us to maintain safety whilst the premises are open."	Ambiguous. Further information required on the use of CCTV. Also redundant. Maintaining safety whilst the premises are open is potentially a statutory requirement!	?
"In view of the breaches of the Licensing Act the Applicants will make sure underage sales do not take place by staff..."	Redundant: Duplicates other statutory requirements.	✗
...In addition the staff member who sold alcohol on two separate occasions to customers under 18 was dismissed for gross misconduct."	Irrelevant to the Operating Schedule.	✗
"We will employ sufficient trained staff."	Ambiguous. How does the applicant define "sufficiently trained" and in what areas?	?
"They will be trained to be vigilant."	Ambiguous.	?

"Some employees will have training or level 2 NCPHL awards."	Ambiguous.	?
"We will display adequate notices and observe the Licencing regulations"	Adequate notices about what? Crime and disorder? Also – stating that the premises will observe the licensing regulations is redundant as its already a basic requirement.	?
"We will refuse to serve any customer who is drunk and disorderly."	Redundant. Already a legal requirement.	X
"We will implement the Challenge 25 policy, have a zero tolerance policy on drugs..."	Two potentially good conditions. Considering the nature of the premises history though we would want to see the evidence of the Policy prior to proceeding with acceptance of this condition.	✓
...and have good lighting."	Irrelevent.	X
"The alcohol will be stored, displayed and served in a responsible manner"	Redundant. Already a legal requirement.	X
"We will work with the police and local groups."	Working with the Police is already a requirement so this is redundant. How does the premises intend to work with local groups? Potentially unenforceable due to its vagueness.	?
"We will co-operate with the Licensing authority and will use their best endeavours to ensure that there are no further breaches of the law."	Redundant. Already a legal requirement	X
"In order to protect the public and the staff we will continue to maintain 11 CCTV cameras, adequate lighting and put up notices."	Acceptable Condition though further information on the use, maintenance, quality and access of the CCTV footage may be required.	✓
"We will ensure all fire precautions are taken including fire alarms and extinguishers."	Redundant. Already a legal requirement as part of the fire risk assessment	X
"We will keep the fire doors free from obstruction."	Redundant. Already a legal requirement as part of the fire risk assessment.	X
"We will be vigilant of any hazards that may cause harm to members of the public and carry out a risk assessment if necessary. We will record and review the risk assessment"	Redundant. Pretty sure this is already a legal requirement to not cause harm to members of the public...!	X
"We will maintain an-acddent book and a refusals book."	The use of Accident and Refusals book is an acceptable condition.	✓

<i>"From time to time we will have fire drills..."</i>	Vague.	?
<i>..and make sure the film recording on the CCTV cameras are fairly and securely maintained In accordance with the Data Protection Act. The CCTV will be operational, kept in good working order and images will be retained for at least one month. Two employees will be able to operate the CCTV system."</i>	Acceptable and providing more information in regards to aforementioned CCTV system.	✓
<i>"We will adopt Challenge 25 from the date of the Premises Licence and will get the staff to sign a verification policy."</i>	Appropriate.	✓
<i>"We will adopt 'no pass no go'."</i>	We do not understand this condition?	?
<i>"We will discourage youths from hanging around and loitering outside the premises."</i>	Potentially appropriate but considering the location of the venue, we feel that the applicant may need to provide further information on how they intend to do this, and how they would be able to evidence it should the Authority feel they are failing to comply with this condition.	?
<i>"We will make sure all rubbish is cleared away"</i>	Vague and not entirely connected to the Licensing Objectives, though prevention of Public Nuisance can relate to ensuring the vicinity is tidy and clean and their customers are not causing a nuisance – further information on this condition would need to be provided.	?
<i>"We will display challenge 25 posters"</i>	Already mentioned above.	✓
<i>"We will display a "Quiet Notice" at the exit of the restaurant and try to keep noise to a minimum to assist local residents."</i>	Ignoring the fact that this condition is confusing, as Budgens is not a restaurant, this is an entirely acceptable condition.	✓
<i>"CCTV will assist in keeping noise and disturbances to a minimum."</i>	Whilst it is appreciated that further info on the use of CCTV has been provided, there is some confusion on how it would relate to noise disturbances. Will the CCTV have audio recordings? Because then there is a lot to do with GDPR and permanently recording audio that needs to be factored in. You cannot just permanently record the audio in your premises.	?
<i>"The Applicant proposes the Mandatory conditions (Annex 1 and 2). These conditions</i>	Redundant. The mandatory conditions are mandatorily applied to ALL premises licences. Therefore saying you'll comply with them is redundant.	✗

<i>were the same conditions attached to the Premises Licence which was transferred by the Woking Borough Council to the second Applicant earlier this year and the Woking Council approved the second Applicant as the Designated Premises Supervisor.”</i>		
<i>“The protection of children from harm is of paramount importance.”</i>	Agreed. Hence it is one of the four licensing objectives. But this condition is redundant.	✗
<i>“We will remain vigilant at all times and manage the sale of alcohol responsibly.”</i>	Redundant. This is just a summary of the Licensing Objectives and responsible alcohol retailing	✗
<i>“There will be no irresponsible promotions.”</i>	Redundant. This is already one of the Mandatory conditions.	✗
<i>“In view of the previous breaches of underage selling, we undertake to do everything we can not to sell alcohol to anyone under the age of 18.”</i>	Redundant. This is already a legal requirement. Furthermore the whole purpose of the Conditions is to demonstrate how a premises will do its best to not sell alcohol anyone under the age of 18.	✗
<i>“We will not sell knives or weapons”</i>	Whilst we appreciate the public safety aspect of this, as a condition on a licence relating to responsible alcohol retailing, this is potentially irrelevant.	?
<i>“The staff will insist on appropriate identification documents such as a passport or driving licence.”</i>	Vague. ID documents for who? All customers? Those who they believe to be under 18? Those they believe to be under 25? Further clarification is needed not only on this but also firmer understanding on their idea of “appropriate identification documents”	?
<i>“The beers and spirits will be stored correctly.”</i>	Vague and confusing. How do you define correctly stored spirits and beers?	?
<i>“The two tills be placed behind the front counter.”</i>	Store layout is covered by the premises plan and therefore going in to detail in the conditions is repetition. Also – unless we’re missing something, how does till location affect responsible alcohol retailing?	?
<i>“The alcohol will be stored in a lockable room in the premises.”</i>	When? At all times? Only when the shop is closed? This condition is vague and unachievable/unenforceable.	?
<i>“All staff will never work alone”</i>	Difficult or impossible to enforce. Also unrealistic. How does this benefit the premises?	?
<i>“and we will carry out CRB checks.”</i>	Ignoring the fact that CRB checks haven’t existed since 2012 and therefore it would be impossible to carry out a CRB check nowadays, we must presume that it is the intention to carry out DBS checks – if so then who are they being carried out on? How often? Will the checks be carried out before that member of staff can work there or whilst they are	?

	working there? Further to this – considering the private nature of a DBS: who will be permitted to see them? Will they be stored on site and accessible or viewable to the Licensing Officers and Police? Will the staff be made to sign a consent form agreeing that other people can view their DBS certificates? There is a lot to think about with this condition and the applicant must be aware of the legal minefield of suggesting such a condition.	
<i>"The Applicant is aware of the fact that the previous licence holder (Mr Islam) sold alcohol to customers under 18 years. The new DPS is a British Citizen and has held a personal licence for over eight years. Both applicants have level NCHPL qualifications and the second Applicant has held a photocard since 1st April 2014."</i>	This is not a condition but a statement and therefore is completely irrelevant to the Operating Schedule.	X

