

## LICENSING SUB-COMMITTEE B – 26 OCTOBER 2020

### **REVIEW OF A PREMISES LICENCE – N.H. CONVENIENCE STORES LTD (TRADING AS 'COSTCUTTER'), 16 CHERTSEY ROAD, WOKING, GU21 5AB**

#### **Executive Summary**

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

#### **Recommendations**

The Committee is requested to:

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

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

#### **Background Papers:**

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

#### **Reporting Person:**

Matthew Cobb, Senior Licensing Officer  
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#### **Contact Person:**

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#### **Date Published:**

16 October 2020

**Review of a Premises Licence – N.H. Convenience Stores Ltd (trading as Costcutter), 16  
Chertsey Road, Woking GU21 5AB**

**Review of a Premises Licence – N.H. Convenience Stores Ltd (trading as Costcutter), 16 Chertsey Road, Woking GU21 5AB**

**1.0 Summary of Proposal**

**Application Type:** Review of Premises Licence  
**Variation:** No  
**Site Address:** 16 Chertsey Road, Woking, GU21 5AB  
**Applicant** Surrey Police, Woking  
**Application Ref:** 19/00169/PREMIS

**2.0 Description of Premises and Existing Licence**

2.1 Small general store located in the town centre licenced for alcohol off-sales.

2.2 Current licenced hours of operation are:

Sale of alcohol	Weekdays	08.00 - 23:00
Sale of alcohol	Saturday	08.00 - 23:00
Sale of alcohol	Sunday	10:00 - 22:30

2.3 The Premises Licence is attached as **Appendix 1**

**3.0 Background**

3.1 The premises has been a licenced premises for as long as our records go back. Prior to Licensing Legislation becoming the responsibility of the Local Authority – Licences were issued by the Magistrates Courts. In 2005 – with the introduction of the Licensing Act 2003 – the premises came under the jurisdiction of Woking Borough Councils Licensing Authority, licenced as Costcutters.

3.2 In June 2019, following a variety of different owners, the Premises Licence was transferred over to Mr Jasbir Singh Arora.

3.3 At the same time, Mr Jasbir Singh Arora became the Designated Premises Supervisor (DPS). The role of the DPS is to ensure the Alcohol Sales are all carried out in full compliance with the legislation and is therefore held legally responsible for any licensing breaches.

3.4 Since February 2020 upon the introduction of a new Police Licensing Officer, the Council have been receiving information relating to police incidents at Licenced Premises. During the previous months – Costcutter has appeared on this list a number of times, raising concerns not just about the sale of alcohol to children but also the way that the premises is being run. Regular accusations suggest that this premise is selling alcohol to intoxicated people which results in the premises attaining a reputation in the community. Consequently it attracts a particular type of clientele who invariably cause problems for the town centre, for the Police and for other local businesses.

3.5 There are many off licences in Woking and the majority of them never flag up on these weekly incident report lists, if ever – so when a premises gets more than the normal number of incidents coming to light it is our duty to consider its suitability and its role as a safe and professional licence holder within the community.

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3.6 A copy of the incident records are at **Appendix 2**

#### **4.0 Details of Application**

4.1 On the 7<sup>th</sup> of September 2020 the Licensing Authority received a request for a review of the licence from Surrey Police following a number of failed test purchases at the premises.

4.2 The Police Review Application is attached as **Appendix 3**.

4.3 Further information relating to incidents at Costcutter are attached as **Appendix 4**

#### **5.0 Promotion of Licensing Objectives**

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

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

#### **6.0 Licensing Law regarding the sale of alcohol to someone who is drunk**

6.1 Section 141 of the Licensing Act states that it is an offence to sell, or allow to sell, alcohol to someone who is drunk, and on conviction can result in a £1,000 fine.

#### **7.0 Licensing Law regarding sale of alcohol to children**

7.1 Within Licensing Law, there are four main objectives (laid out above) which guide the aims of Licensing Legislation. One of these four is quite simply “the protection of children from harm” and this covers the requirement for ID checks to ensure that alcohol is not sold to a minor.

7.2 To highlight how serious this is, the Licensing Act 2003 has twelve sections (145-154) on Children and Alcohol (Unauthorised Licensable Activities has four sections, and Drunkenness also only has four sections).

7.3 Section 146 of the Licensing Act 2003 states that “a person commits an offence if he sells alcohol to an individual aged under 18” if found guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale. Level 5 is an unlimited fine (i.e. it can be any amount the courts decide)

7.4 As the Designated Premises Supervisor (DPS) of the store, Mr Jasbir Singh Arora would have had to do an accredited national course (“The Level 2 Introduction to the Role of Personal Licence Holder”) which would have given him a level of understanding on basic Licensing laws – including the requirement not to sell alcohol to under-18s. They would understand that it is their mandatory and legal duty to ensure that all sale of alcohol were to adults and not to children.

7.5 The Licensing Authority recognises that at the time of purchase, the youths used for the test purchasing were wearing masks (in line with Covid requirements). Whilst we appreciate the difficulty that this may cause licence holders, this means that they must be extra vigilant. If a teenager came in during Halloween with their costume on – would the

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licence holder sell alcohol to a youth in a Halloween mask? It is doubtful – and for that reason we do not feel that the Covid masks are a valid defence against the sale of alcohol to a minor. To pass off the sale of alcohol to a minor as an accident due to the use of a face mask is to open up a world of problems for the licensing authority and for the community in general.

**8.0 Surrey Police Proposed Conditions**

8.1 It should be noted that Surrey Police have put forward proposed conditions. However it should be noted that the conditions must be proportionate and realistic to the offence(s) in question. Page 6 of the Application (Appendix 3) clearly states that Surrey Police would like the Committee to consider revocation of the licence in this matter as a primary aim.

**9.0 Policy Considerations**

9.1 In making its decision, the Sub-Committee is obliged to have regard to the relevant national Guidance (Appendix 8) and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears, and its duty under S17 Crime and Disorder Act 1998.

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

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

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

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

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

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

**7.2** In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due

regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.

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

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

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

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

**7.4** N/A

**7.5** N/A

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

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

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

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

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

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

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

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

**10.6** Child access to licensed premises

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

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

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

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

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

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

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

**10.6.4** N/A

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

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

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

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

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

9.3 Excerpts from the National Guidance are attached as **Appendix 5**.

9.4 The "Pool of Conditions" is provided as **Appendix 6**.

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

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

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

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

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

(e) to revoke the licence;

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

9.6 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.

## **10.0 Implications**

### Financial

10.1 There are no significant financial implications. The applicant, licence holder and any interested parties or responsible authorities who have made a representation have the

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right of appeal to a Magistrates' Court (within 21 days starting the day after the date a decision is reached) should they feel any decision is unjust. Although there is a possibility costs may be awarded against the Council where decisions are overturned, case law shows this as unlikely where the Council are shown to be acting in accordance with their duties as Licensing Authority based on information supplied at the time.

Human Resource/Training and Development

10.2 None.

Community Safety

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

Risk Management

10.4 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.

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

Sustainability

10.6 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.

**11.0 Conclusions**

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

REPORT END

Schedule 12  
Part A

Regulation 33,34



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

Premises licence number

19/00169/PREMIS

## Part 1 – Premises details

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

**N.H. Convenience Stores Ltd**

16 Chertsey Road, Woking, Surrey, GU21 5AB.

**Telephone number**

**The date the licence takes effect**

05 June 2019

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

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

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

Christmas Day: 12.00 to 15.00 and 19.00 to 22.30

**The opening hours of the premises**

Not applicable

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

Off premises

PREMIS

**Part 2**

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

**Jasbir Singh Arora**

10 Glamis Crescent, Hayes, Middlesex, UB3 1QA.

E-mail jasbirarora@hotmail.co.uk

Mobile phone number 07877 887046

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

Not applicable

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

**Jasbir Singh Arora**

10 Glamis Crescent, Hayes, Middlesex, UB3 1QA.

Mobile phone number 07877 887046

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

Personal Licence LBHIL0410

Licensing Authority London Borough Of Hillingdon

20 June 2019

**Date Licence Issued**



**Senior Licensing Officer**

PREMIS

**Annex 1 – Mandatory conditions**

- 1) No supply of alcohol may be made under the premises licence
  - (1) At a time when there is no Designated Premises Supervisor in respect of the premises licence, or
  - (2) At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
  - (1) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - (2) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objective.
  - (3) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective.
  - (4) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (5) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - a. a holographic mark or
  - b. an ultraviolet feature.
- 6) The responsible person shall ensure that–
  - (1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
    - a. beer or cider: 1/2 pint;
    - b. gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - c. still wine in a glass: 125 ml; and

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

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

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

None

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

None

***Public safety***

None

***The prevention of public nuisance***

None

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

None

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

Not applicable



Schedule 12

Part B

Regulation 33,34

**Woking Borough Council**

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

Premises licence number

19/00169/PREMIS

Premises details

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

**N.H. Convenience Stores Ltd**

16 Chertsey Road, Woking, Surrey, GU21 5AB.

<b>Telephone number</b>	
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**The date the licence takes effect**

05 June 2019

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

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

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

Christmas Day: 12.00 to 15.00 and 19.00 to 22.30

**The opening hours of the premises**

Not applicable

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

Off premises

PREMIS

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

**Jasbir Singh Arora**

10 Glamis Crescent, Hayes, Middlesex, UB3 1QA.

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

Not applicable

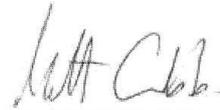
**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Jasbir Singh Arora

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

20 June 2019

**Date Licence Issued**



**Senior Licensing Officer**

Appendix 2 – Incident details

17/02/2020		Complaint from local fast food venues that intoxicated people are buying alcohol from the Costcutter and causing problems in the food venues.
07/03/2020	20:54:00	Youths ASB
23/04/2020		Theft shop – 2 cans of beer
21/08/2020	18:00:00	I wish to make you aware that at approximately 1800 hours on Friday 21 August 2020 Costcutter, 16 Chertsey Road was named by local Nominals as the place where they are obtaining their alcohol. I am also advised that there is Body Warn evidence of them entering Costcutter. The incident has been crimed as Anti-Social Behaviour, Assault on Police and Drunk and Disorderly. (Ref: P20196374 & 45200088623 refer) As you are aware they recently failed a Test Purchase on 3 August 2020.
28/08/2020	20:00:00	Refused to sell to underage. Inf. Wishes to make licensing staff aware.
28/08/2020	16:39:00	Disturbance – refused to serve male. Male threatening intox. drink or drugs 45200091311 P.ORDER 4A
17/09/2020	18:03:00	ASB drunken male who is banned. Swearing. Walked off.
03/10/2020	21:11:00	ASB – 2 people in shop who started fighting. Then left.

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I We Surrey Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Costcutter 16 Chertsey Road Woking Surrey	
<b>Post town</b> Woking	<b>Post code (if known)</b> GU21 5AB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Jasbir Singh Arora
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<b>Number of premises licence or club premises certificate (if known)</b> 19/00169/PREMIS
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**Part 2 - Applicant details**

I am

**Please tick yes**

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

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

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

**Please tick**

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Name and address Surrey Police C/O Woking Civic Offices GU21 6YL
Telephone number (if any) 01483 638215
E-mail address (optional) lesley.sumner1@surrey.pnn.police.uk

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

Please tick one or more boxes

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

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

Costcutter is located in Chertsey Road which is in Woking town centre. This area has significant issues relating to alcohol and related violence, anti-social behaviour and groups of intoxicated people and young people under 18 years of age gathering in this area.

Surrey Police are seeking a review of the premises licence under the grounds of prevention of crime and disorder and the protection of children from harm. Surrey Police carried out two test purchase operations at these premises.

The Test Purchase operations were carried out on Monday 3 August 2020 and Thursday 27 August 2020. On the first occasion a member of staff sold the two young people two bottles of lager, namely a bottle of Stella Artois and a bottle of Budweiser.

On the second occasion one young person (female) was sold a bottle of Kopparberg with raspberry and the other young person (male) and he was refused the sale of a bottle of Corona.

On both occasions the respective member of staff did not ask for any identification and nothing was said, the Test Purchasers were just sold the alcohol.

On 17 August the licensed premises holder Mr Jasbir Singh Arora and his son Ricky Arora were interviewed by Lesley Sumner, Licensing Enforcement Officer at Woking Civic Offices and PC 3815 Donna Davey. He admitted to the offence relating to the first Test Purchase carried out on Monday 3 August 2020 and he advised us that the

member of staff had been dismissed that day (17 August 2020).

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

Surrey Police are reviewing the premises licence at Costcutter, 16 Chertsey Road, Woking, GU21 5AB. The reason leading up to the review are as follows:

The premises has failed two test purchases within a 1 month period when different members of staff sold alcohol to test purchasers.

The first test purchase was carried out on Monday 3 August 2020 a PCSO in plain clothes witnessed an under 18 year old male and female test purchasers purchase alcohol at the premises, namely two bottles of lager. The male member of staff who sold the alcohol was a Mr X X did not ask for any identification or ask the female her age nothing was said and the alcohol was purchased.

PC 41318 Hubbard who was the uniformed officer on the test purchase attended the premises and the facts of the alcohol sale were related to him by the plain clothes PCSO who witnessed the sale and this was carried out in the presence and hearing of Mr X X.

On 17 August 2020 Woking Police Licensing Enforcement Officer Lesley Sumner 17277 along with PC 3815 Donna Davey interviewed Mr Jasbir Singh Arora and his son Mr Ricky Arora at Woking Civic Offices.

The training records were checked and all was in order, strong words of advice was given to the Designated Premises Supervisor (DPS) Mr Jasbir Singh Arora and he said that the person who had made the sale on the Monday 3 August 2020 has been dismissed.

The second Test Purchase was carried out on Thursday 27 August 2020. A plain clothed PCSO witnessed the Test Purchasers purchase alcohol from the premises. On this occasion it was Mr Jasbir Singh Arora, the DPS who sold the alcohol. Mr Arora did not ask for any identification or ask them their age he simply sold the female a bottle of Kopparberg with raspberry and said nothing to her. He declined to sell alcohol to the male, which was a bottle of Corona.

PC 41318 Hubbard who was the uniformed officer on the operation attended the premises and the facts of the sale were related to him by the plain clothes PCSO who witnessed the sale and this was carried out in the presence and hearing of Mr Arora. M's Lesley Sumner informed Mr Arora that the premises has now failed two test purchases within 1 month and that she would look to now review his premises license.

Reference Crime Number: 45200088623

At 18:14 hours on Friday 21 August 2020 police observed 5 intoxicated persons in Chertsey Road, Woking, 3 of whom have been issued with Police Orders to leave the area due to their alcohol related Anti-Social Behaviour after which a member of the group became aggressive and was arrested for Drunk and Disorderly, Breach of Dispersal Order and an Assault on an Emergency Worker.

When in police custody the male involved was asked where they had bought their alcohol and he referred to Costcutter. A member of the group said words to the effect of, 'I got my last can there'. This has been corroborated by another member of the group. Based on their intoxication resulting in the above offences and their account that their most recent drinks had come from Costcutter. The officer returned to visit the Costcutter premises, he spoke to the owner and a staff member who

admitted selling the group intoxicating drinks but claimed it had not been for hours which is contrary to the accounts of those involved. Their proximity to the shop and not preventing them entering the shop whilst the police have been dealing with them for alcohol related anti-social behaviour. Surrey Police believe that based on their levels of intoxication the group would have been visibly intoxicated when purchasing these drinks which is a breach of their licensing conditions.

Surrey Police Woking Neighbourhood Team have been carrying out a number of Test Purchases in the local area to ensure that local businesses that sell alcohol are keeping to the letter of the law under the Licensing Act 2003 by not selling alcohol to persons under the age of 18.

It is very clear that this store has failed by selling alcohol on two occasions within a 1 month period to persons under the age of 18. Surrey Police has strong concerns around the management of this licensed premises, especially were the DPS has been advised in an earlier meeting about the shops failings and then the second failure was by the DPS who holds a Personal Licence and has overall responsibility for staff training and upholding the licensing law.

All Police officer and PCSO statements are attached to the review papers.

Surrey Police would ask the Licensing Committee to seriously consider the revocation of the Premises Licence. If the Licensing Committee's decision is not to revoke the premises licence Surrey Police would like them to consider the following:

1. Removal of the Designated Premises Supervisor (DPS).
- 2 The premises licence to be suspended suspended for a period of time that the Licensing Committee feel appropriate.
3. In addition that the following conditions are to be added to the premises licence, please see attached.

**Appendix 3 – Surrey Police Review Application**

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

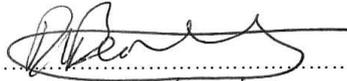
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

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

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

Signature



Date

7/9/20

Capacity Borough Inspector

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Lesley Sumner 17277  
Woking Licensing Enforcement Officer  
Woking Civic Offices  
Woking SURREY

**Post town**

Woking

**Post Code**

GU21 6YL

**Telephone number (if any)** 01483631786

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** lesley.sumner1@surrey.pnn.police.uk

**Notes for Guidance**

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

**Conditions Costcutter Woking Town Centre**

- Any person that appears intoxicated or becomes aggressive shall be refused service and incident recorded in the refusals book.
- Premises licence holder shall ensure all staff are trained in how to prevent proxy buying of alcohol for children.
- Staff training records shall be maintained and made available on request to an authorised offer from the licensing authority or a police officer.
- No single cans of alcohol to be sold.

- **CCTV**

The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place

The System will incorporate a camera covering each of the entrance doors and main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise position of the cameras may be agreed, subject to compliance with data protection legislation, with the Police from time to time

The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with data protection legislation, to the Police for inspection on request

The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enable to allow playback / review.

A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

The system will display, on any recording, the correct time and date of the recording

- **Alcohol condition levels of volume**

In order to promote the prevention of crime and disorder and prevention of public nuisance, the premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of specialist branded, premium priced, products – for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater.

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<b>WITNESS STATEMENT</b>	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
Occurrence Number: 45200088713	URN <span style="border: 1px solid black; padding: 2px;">45WK9179220</span>
Statement of: HUGO HUBBARD	
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer	
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature:	Date: 22/08/20
Signature Witnessed By:	
Statement Locked By:  #P4541223 ORPE, M.	
Tick if witness evidence is visually recorded <input type="checkbox"/>	

This statement is in relation to an assault I was a victim of on 21<sup>st</sup> August 2020 whilst I was on duty as a police officer.

I was on duty, walking through Woking Town Centre at approximately 1800hrs when I came across a group of people who were extremely intoxicated on Chertsey Road, Woking. A female who I recognise from previous dealings on duty as [REDACTED] has shouted 'FUCK OFF' at me to which I have told her not to swear and she has immediately denied doing so. I continued to negotiate with her, following her non compliance to a dispersal order I issued her, she was arrested for being drunk and disorderly in a public place.

As I placed handcuffs on [REDACTED] she was actively resisting against me during which she scratched me on my right hand. She caught me on the back of my hand and thumb area with her fingernails. I immediately felt pain in my hand and when I looked at it, I saw she had scratched the skin and caused my thumb to bleed. Whilst we were waiting for the van to arrive, [REDACTED] made comments saying that she was going to hurt officers that were with her and was going to spit at them.

When the van arrived, I placed [REDACTED] in the van cage, during which she has kicked out with her legs and caught me twice and caught my left leg in the shin area with both kicks. I felt the pain of this straight away. Two

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other officers then assisted me in restraining her, and have then placed leg restraints on [REDACTED] to stop her from kicking myself again or anyone else. [REDACTED] was also collecting saliva in her mouth and appeared as though she was going to spit at officers, so a spit hood was applied to her to stop her from doing so.

As a result of this assault, the injuries to my hand is a scratch on my right thumb which has now scabbed over due to the fact that the scratch drew blood. I also have broken skin on my left shin, which is sore to touch and I believe this will develop into a bruise over the next couple of days.

I would describe [REDACTED] as a white female approximately 5 foot 8 inches tall with a normal build, faded pink hair shaved on the sides and long on top in a pony tail. She was wearing a white, hooded cardigan and blue jeans with grey Nike trainers. The only distinguishing feature I can recall is a tattoo on her right, middle finger that says "FUCK YOU" that she stuck up at me during this incident.

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<b>WITNESS STATEMENT</b>	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
URN	
Occurrence Number: 45200088623	
Statement of: HUGO HUBBARD	
Age if under 18: Over 18 <small>(if over 18 insert 'over 18')</small> Occupation: Police Constable	
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature:  #P4541318 HUBBARD, H.	Date: 22/08/2020 03:09
Tick if witness evidence is visually recorded <input checked="" type="checkbox"/>	

This statement relates to my arrest of [REDACTED] on CHERTSEY ROAD, WOKING for being drunk and disorderly in a public place.

On FRIDAY 22nd AUGUST 2020 I have been on foot patrol in WOKING TOWN CENTRE with PCSO 16418 MAYS when we spotted a female who the PCSO needed to issue with a Community Protection Notice. This female has been sat with a group of street drinkers who I meet regularly in WOKING TOWN CENTRE and were clearly drunk at this time. Whilst the PCSO was speaking to the female I have greeted the group of drinkers and [REDACTED] who was sat in the group has shouted "FUCK OFF!" at me. Whilst her friend has then tried to say it was not directed at me I have explained that she had shouted it very loudly in a public place in front of members of the public including families with small children and this combined with the fact that she is already drunk and continuing to drink a can of cider in her hand I was issuing her with a dispersal order for WOKING TOWN CENTRE. At approximately 1800 hours I have given her a paper map of the area this exclusion zone covers and instructed her to leave immediately.

[REDACTED] has continued to swear loudly and refuse to leave at which point I have explained that failure to adhere to a dispersal order is grounds for an arrest given her behaviour. She has begun to walk down the road and as she has done she has stated she is "GOING TO THE PAKI SHOP" to which I have told her not to use that term as it is offensive [REDACTED] has then repeatedly used the word "PAKI" in quick succession whilst smiling and looking at me clearly trying to antagonise me and this was visibly distressing members of the public who were crossing the road to avoid her. I have repeated that she must leave the area immediately and by entering the off licence she was approaching this would show she

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was not leaving and I would arrest her. [REDACTED] has once again told me to "FUCK OFF!" loudly to which I have said that I have given her approximately 20 minutes since she began causing problems to leave, she was causing alarm and distress to members of the public, was failing to comply with a dispersal order and not only was she already very drunk but was attempting to buy more. Based on these reasons at 1814 hours I have arrested [REDACTED] for being drunk and disorderly in a public place and cautioned her. She has become more aggressive and as I have attempted to handcuff her she has attempted to scratch me with her finger nails whilst trying to get away resulting in a large scratch that drew blood on my right thumb.

I have remained with [REDACTED] who has continued being verbally abusive whilst waiting for a van. In this time she has threatened to spit at me and hurt me. A few minutes later SS 6357 BURROWS has arrived and assisted in restraining [REDACTED] who was trying to resist. During this a male she had been sitting with was still arguing with her and [REDACTED] began to shout threats to the effect of "YOU'LL REGRET THIS!" and "I'M GONNA FIND YOU WHEN I'M OUT" most of which have included lots of swear words which has resulted in large numbers of people leaving the area and shopkeepers coming to the door of their stores. The male these were directed at has run away looking fearful as well.

When the van has arrived there have not been any female officers available so I have searched her following her arrest during which she has kicked me twice in the right shin breaking the skin and knocking me backwards. I have instructed her not to kick me again placing one hand on her knee and another on her chest to prevent her kicking or spitting as she was getting ready to. After this at approximately 1836 hours I have heard SS BURROWS state that [REDACTED] was being further arrested for assaulting an emergency worker and caution her. PC IRVING has also placed a spit hood and leg restraints on [REDACTED] to prevent further harm to officers or herself. SS BURROWS and I have then conveyed [REDACTED] to GUILDFORD CUSTODY SUITE where her detention has been authorised.

I have captured the entire incident on Body Worn Video the footage of which I have exhibited as HH/1.

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## The licensing objectives Crime and disorder

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

requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

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

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

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

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

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

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

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

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

- restrictions on the hours when children may be present;

## Appendix 5 – Excerpts from National Guidance

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

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

## Supporting Guidance - Pools of Conditions

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

### CORE PRINCIPLES

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

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

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

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

#### RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

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

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

#### DOOR SUPERVISORS

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

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

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

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

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

#### RESTRICTING ACCESS TO GLASSWARE

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

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

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

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

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

#### ALTERNATIVES TO TRADITIONAL GLASSWARE

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

#### OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

## CCTV

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

## RESTRICTIONS ON DRINKING AREAS

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

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

## CAPACITY LIMITS

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

## PROOF OF AGE CARDS

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

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

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

#### CRIME PREVENTION NOTICES

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

#### DRINKS PROMOTIONS

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

#### SIGNAGE

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

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

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

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

- a prescribed capacity;

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

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

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

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

### **GENERAL**

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

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

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

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

The following British Standards should also be considered:

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

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

#### SAFETY CHECKS

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

#### ESCAPE ROUTES

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

#### DISABLED PEOPLE

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

#### LIGHTING

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

#### CAPACITY LIMITS

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

#### ACCESS FOR EMERGENCY VEHICLES

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

#### FIRST AID

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

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

#### TEMPORARY ELECTRICAL INSTALLATIONS

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

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

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

#### INDOOR SPORTS ENTERTAINMENTS

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

#### SPECIAL EFFECTS

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

#### ALTERATIONS TO THE PREMISES

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

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

**OTHER MEASURES**

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

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

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

**PREMISES USED FOR CLOSELY SEATED AUDIENCES**

**ATTENDANTS**

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

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.

Specials effects include:

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

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

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

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

#### CEILINGS

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

#### PREMISES USED FOR FILM EXHIBITIONS

##### ATTENDANTS – PREMISES WITHOUT A STAFF ALERTING SYSTEM

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

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

ATTENDANTS – PREMISES WITH A STAFF ALERTING SYSTEM

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

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

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

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

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

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

MINIMUM LIGHTING

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

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

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

##### **HOURS**

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

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

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

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

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

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

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

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

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

#### NOXIOUS SMELLS

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

#### LIGHT POLLUTION

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

## OTHER MEASURES

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

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

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

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

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

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

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

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

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

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

#### AGE RESTRICTIONS – SPECIFIC

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

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

#### AGE RESTRICTIONS – CINEMAS

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

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

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

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

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

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

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

Such a condition might be expressed in the following terms:

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

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

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

## THEATRES

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

## PERFORMANCES ESPECIALLY FOR CHILDREN

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

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

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

## CHILDREN IN PERFORMANCES

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

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

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

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

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

#### PROOF OF AGE CARDS

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