



**LICENSING SUB-COMMITTEE**

To: Councillors Pacey, Lowe and Savage  
Reserve Member: Councillor Capleton (For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Licensing Sub-committee to be held in Preston Room - Woodgate Chambers on Tuesday, 6th November 2018 at 10.00 am for the following business.

Chief Executive

Southfields  
Loughborough

18th October 2018

**AGENDA**

1. INTERESTS

Members of the Sub-committee are asked to confirm that they are not aware of any interests or other reason which might prejudice the ability to hold a fair hearing and make a sound determination of the matters to be considered.

2. INTRODUCTIONS AND PROCEDURE FOR MEETING

The Chair is asked to introduce the various parties and explain the procedure to be followed in conducting the hearing.

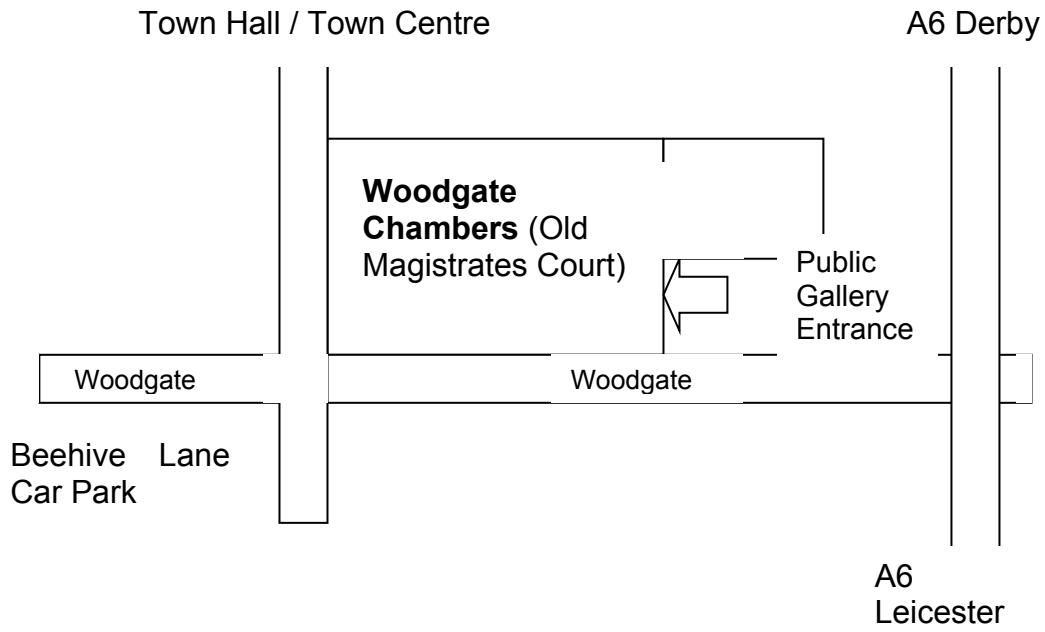
3. MOZA'S PUB AND RESTAURANT, 24-25 BEDFORD STREET, LOUGHBOROUGH LE11 2DS 3 - 135

To consider an application under the Licensing Act 2003 for a new Premise Licence for Moza's Pub and Restaurant, 24-25 Bedford Street, Loughborough LE11 2DS, on which representations have been received.

Papers in respect of the matter are attached for the Sub-committee's consideration.

**WHERE TO FIND WOODGATE CHAMBERS AND PUBLIC ACCESS**

Woodgate Chambers  
70 Woodgate  
Loughborough  
Leics  
LE11 2TZ





**TITLE OF REPORT:**     **Application for a new Premises Licence within a Cumulative Impact Zone:**

Moza's Pub and Restaurant 24-25 Bedford Street  
Loughborough Leicestershire LE11 2DS

**REPORT OF:**           **Licensing Manager – Regulatory Services**

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## **1.     PURPOSE OF THE REPORT**

This report provides information for Members about an application made for Moza's Pub and Restaurant, 24-25 Bedford Street, Loughborough, Leicestershire, LE11 2DS under the Licensing Act 2003. These premises are within a Cumulative Impact Zone. The report is to assist Members in determining the outcome of the application. It summarises the representations received, highlights the licensing objectives, the relevant parts of the guidance and regulations and the relevant sections of Charnwood Borough Council's Licensing Policy and Cumulative Impact Zone.

## **2.     BACKGROUND**

The premises, previously known as Kura Kura was licensed originally in August 2005 under the licence number PREM5330. The premises licence holder and name of the business/premises has changed on a number of occasions since 2005. The most recent premises licence holder, with effect from October 2017, was Ms Mingyuan Qin.

A review application was submitted to the Licensing Authority by Leicestershire Police in February 2017. This was on the grounds of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. At this time, the premises licence holder was Mr Chi Kien Tang. On 27 March 2017, the review application was heard by a Licensing Sub-Committee. The conditions on the existing Premises Licence were amended.

The premises licence (PREM5330) was later surrendered by Ms Qin on 06 March 2018.

## **3.     CURRENT APPLICATION**

This premises licence application was submitted by Brown and Co Solicitors on behalf of Mr Hussain (Applicant) on 13 September 2018. The application form states the premises will operate as a pub, with capacity for 75 patrons and an adjoining restaurant for 70 patrons. The premises are currently operating as a restaurant with no licensable activity currently taking place. A copy of the application is attached at **Appendix 1**.

During the 28 day consultation period, the Licensing Authority was notified by a number of the Responsible Authorities that the address on the application form (32 Bedford Street) was incorrect. Following a check with Land Registry Leicester and informing Brown and Co Solicitors of this error, the Licensing Authority received written confirmation to clarify that the correct address for the premises should be 24-25 Bedford Street and not 32 Bedford Street as previously applied for. The applicant had been given the incorrect address by the landlord. A new application form front sheet and blue notice were submitted and accepted. A copy was served to all Responsible Authorities by The Licensing Section. Details of this can be found in **Appendix 1(a)**.

The application was advertised in accordance with the provisions of the Licensing Act Regulations 2005. Copies of the required blue notice and newspaper advertisement are attached at **Appendix 2**.

This application for a new Premises Licence was made by Mr Mozammel Hussain, under s17 of the Licensing Act 2003 for the:

- (a) **Live Music** (indoors)  
Monday to Sunday 09.00 to 23.30
- (b) **Recorded Music** (indoors)  
Monday to Sunday 09.00 to 23.30
- (c) **Performances of Dance** (indoors)  
Monday to Sunday 09.00 to 23.30
- (d) **Late Night Refreshment** (indoors)  
Monday to Sunday 23.00 to 00:00
- (e) **Supply of alcohol** (On the premises)  
Monday to Sunday 09.00 to 23.30
- (f) **Hours premises are open to the public**  
Monday to Sunday 09.00 to 00:00

Mandatory (compulsory) Conditions are issued by the Secretary of State and are applied (where relevant) to all Premises Licenses selling alcohol. A full list of all Mandatory Conditions is attached at **Appendix 3**.

### **Representations**

Four representations have been received from local residents of Albert Street, Loughborough and one representation from a local resident of Victoria Street, Loughborough. Some areas of concern raised within these representations include underage drinking, anti-social behaviour, maintenance of the adjoining car park and noise nuisance.

A representation was received from Leicestershire Police and relates to the Prevention of Crime and Disorder. Leicestershire Police are concerned about the intended use of the premises and the impact this would have on crime and disorder, due to the proximity of residential properties and the lack of measures offered within the proposed conditions detailed in the application form.

Leicestershire Police have also raised concerns that the premises are situated within the Cumulative Impact Zone. Paragraph 4.1 of Charnwood Borough Council's Licensing Policy states:

The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre:

- Bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
- Including both sides of the streets bounding the area;
- Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.

All representations have been made on the grounds of one or more the following licensing objectives:

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

Full details of the representations are attached at **Appendix 4**.

### **Special Policy on Cumulative Impact**

In June 2017, Charnwood Borough Council introduced a special policy on cumulative impact in the Bedford Street area. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicant can show that their premises are unlikely to add to the problems of saturation.

### **Additional Information**

The Business Rates Team at Charnwood Borough Council has been informed that the current owner/landlord of the building and the car park is Mr Chi Kien Tang (a previous premises licence holder). The current lease holder of the building is Moza Brothers limited of which Mr Mozammel Hussain (Applicant) is the current Company Director.

The car park, adjacent to the premises is the responsibility of the landlord, Mr Chi Kien Tang and not the responsibility of Mr Mozammel Hussain, the applicant for the premises licence. This area is not shown within the licensable area on the plan submitted with the premises licence application but is referred to in a number of the representations.

Andy McParland, Specialist Environmental Health Officer at Charnwood Borough Council suggested a number of conditions to promote the prevention of public nuisance, in particular noise nuisance. The applicant has agreed to all of the recommendations detailed in the email dated Wednesday, 10 October 2018. The written agreement and details of the conditions can be found in **Appendix 5**.

### **Live Music**

The Live Music Act 2012 has amended the Licensing Act 2003 in relation to the provision of live music. Unamplified live music does not require a licence between 08.00 and 23.00 hours each day. Amplified music may be provided between 08.00 and 23.00 hour each day if:

- it is provided in a premises licensed and open for the sale of alcohol, to an audience of not more than 200 people; or
- it is provided in a premises that is not licensed under the Licensing Act 2003 (other than solely for late night refreshment) but that is a workplace, to an audience of not more than 200 people.

The above exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live music provided in the circumstances described above. However, if problems do occur as a result of live music then conditions may be imposed to control that music following the formal review process.

### **Parties**

The Parties to the hearing will be:

- a) The Applicant, Mr Mozammel Hussain – represented by Brown and Co Solicitors
- b) Interested Parties – local residents of Albert Street, Loughborough and Victoria Street, Loughborough
- c) PC1845 Mike Green, Neighbourhood Officer for Charnwood at Leicestershire Police.

## **4. FOR CONSIDERATION**

In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives. The areas for consideration by the Sub-Committee are:

- The application for a Premises Licence;
- The representations from the Interested Parties and Leicestershire Police
- Additional Information
- Whether or not the applicant has rebutted the presumption that a new premises licence will add to the problems of saturation
- Whether or not the application should be granted; and
- The conditions to be attached to the Premises Licence (if granted).

## 5. POLICY & GUIDANCE

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Charnwood Borough Council's Licensing Policy, and
- (b) the Amended Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Charnwood Borough Council's Licensing Policy and current Cumulative Impact Zone Plan are attached at **Appendix 6**.

Relevant parts of the Amended 182 Guidance are attached at **Appendix 7**. The parties may refer to the Policy and Guidance during the hearing.

## 6. FOR DECISION

Having considered the application and representations, Members must consider whether to:

- Grant the licence without modification
- Grant the licence subject to conditions
- Exclude from the licence any of the licensable activities
- Refuse to accept the proposed premises supervisor
- Reject the application

The Licensing Authority may attach conditions to any licence which are necessary for the promotion of the Licensing Objectives. A copy of the Model Pool of Conditions from Charnwood Borough Council's Statement of Licensing Policy is attached at **Appendix 8**.

**Appendix 9** – plan of the area intended to be used for licensable activity.

- 4 OCT 2018

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We Mozammel Hussain

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Moza's Pub and Restaurant,</b> 24-25 Bedford Street			
<b>Post town</b>	Loughborough	<b>Postcode</b>	<b>LE11 2DS</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£10000</b>

**Part 2 - Applicant details**

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

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |

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

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Hussain			<b>First names</b> Mozammel		
<b>Date of birth</b> 26 October 1987		I am 18 <input checked="" type="checkbox"/> Please tick yes			
<b>Nationality</b> British					
Current residential address if different from premises address		137 Ratcliffe Road Loughborough			
Post town	Loughborough		Postcode	LE11 1LG	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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<b>Surname</b>		<b>First names</b>	
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>



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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

Pub with capacity for 75 patrons and an adjoining restaurant with seating for 70 patrons.

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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



**In all cases complete boxes K, L and M**

**A**

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

**B**

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

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed				
Thur				<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri				
Sat				
Sun				

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	0900	2330			
Tue	0900	2330	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed	0900	2330			
Thur	0900	2330	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	0900	2330			
Sat	0900	2330			
Sun	0900	2330			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0900	2330	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	0900	2330			
Wed	0900	2330	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur	0900	2330			
Fri	0900	2330	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	0900	2330			
Sun	0900	2330			



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	0900	2330	<b>Please give further details here</b> (please read guidance note 4)		
Tue	0900	2330			
Wed	0900	2330	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur	0900	2330			
Fri	0900	2330	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	0900	2330			
Sun	0900	2330			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	2300	0000	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	2300	0000			
Wed	2300	0000	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	2300	0000			
Fri	2300	0000	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	2300	0000			
Sun	2300	0000			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0900	2330			
Tue	0900	2330			
Wed	0900	2330			
Thur	0900	2330			
Fri	0900	2330			
Sat	0900	2330			
Sun	0900	2330			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Angela Jackson	
Date of birth 10/10/1957	
Address 172 Dominion Road, Leicester	
Postcode	LE3 6QD
Personal licence number (if known) LE1PRS0763	
Issuing licensing authority (if known) Leicester City Council	

□□□□

K

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

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	0900	0000	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
Tue	0900	0000	
Wed	0900	0000	
Thur	0900	0000	
Fri	0900	0000	
Sat	0900	0000	
Sun	0900	0000	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Staff will be trained to adhere to the measures specified under each licensing objective below. In addition, the license holder will liaise with the responsible authorities and residents to ensure the business continues to meet the licensing objectives.

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

1. Appropriate digital CCTV equipment and the sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use to investigate any crimes that are committed on the premises. The areas covered by the cameras will cover all areas within the premise that are open to the public.

A camera will be positioned to obtain images of persons entering the building by the main entrance.

2. No persons other than the Police, the Licensing Authority, the Premises Holder, the manager or authorised persons shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation, and recording whenever the premises are open to the public.

3. Recordings made on the CCTV system shall be retained for a period of at least 31 days of recording.

4. A minimum of two notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size.

**c) Public safety**

1. The license holder must ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.

2. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS).

3. The fire safety measure which the premises are providing must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the regulatory reform (fire safety) order 2005.

4. An adequate and appropriate supply of first aid equipment and materials must be available on the premises.

**d) The prevention of public nuisance**



1. Customers will not be permitted to consume alcohol in the immediate external vicinity of the premises.
2. Alcohol will be sold in sealed bottles only.

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

A proof of age policy agreed in writing by the Licensing Authority must be enforced.

Challenge 25 to be implemented whenever a young person seeks to purchase alcohol.

The premises will only accept valid forms of identification, such as photo driving license, passport and Home Office approved ID cards displaying the national proof of age standard scheme (PASS hologram).

**Checklist:**

**Please tick to indicate agreement**


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

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

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

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	13 September 2018
Capacity	Solicitor

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			



If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser

- gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's



permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Cluer Rachel

---

**From:** development.control@charnwood.gov.uk  
**Sent:** 28 September 2018 15:55  
**To:** licensing@charnwood.gov.uk  
**Subject:** RE: Moza's Pub and Restaurant, 32 Bedford Street, Loughborough, Leicestershire, LE11 2DS  
**Attachments:** Mozas Pub and Restaurant.docx

PROTECT  
=====

Hi Rachel

We have just checked this and according to our records it's 24 – 25 Bedford Street. See plan attached.

Kind regards

Karen

Karen Barton  
Development Management Support Officer  
Charnwood Borough Council

---

**From:** [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk)  
**Sent:** 28 September 2018 15:16  
**To:** [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)  
**Subject:** RE: Moza's Pub and Restaurant, 32 Bedford Street, Loughborough, Leicestershire, LE11 2DS  
**Importance:** High

PROTECT  
=====

Hi Planning,

Thanks for the confirmation below.

Can we just check with you the address on these premises please? Your information matches that of the application – 32 Bedford Street.

The Fire Service, Charnwood's Food Team and Leicester Land Registry all have these premises on their records as 24-25 Bedford Street?

Business rates and companies house have 32 Bedford Square with the car park being shown as 20-21 Bedford Street?

Can you provide any clarification on this at all? Should the licence be issued the document needs to show the correct address for it to be legal.

We currently have objections to the application and it will be determined at a licensing sub-committee hearing.

Thanks in advance

Kind regards

Rachel.

Rachel Cluer  
Licensing Officer  
[Rachel.cluer@charnwood.gov.uk](mailto:Rachel.cluer@charnwood.gov.uk)  
01509 632587/632586  
[www.charnwood.gov.uk](http://www.charnwood.gov.uk)

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**From:** [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)

**Sent:** 20 September 2018 10:29

**To:** [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk)

**Subject:** Moza's Pub and Restaurant, 32 Bedford Street, Loughborough, Leicestershire, LE11 2DS

Licensing Charnwood  
Charnwood Borough Council  
Southfield Road  
Loughborough  
Leicestershire

Development Management  
Southfields Road  
Loughborough  
Leicestershire  
LE11 2TN

Please Contact: Karen Barton  
Direct Line: 01509 634570  
Email: [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)

**20 September 2018**

Dear Sir/Madam

**APPLICATION NO:** P/18/1844/2  
**PROPOSAL:** (Advice) Premises Licence  
**LOCATION:** Moza's Pub and Restaurant, 32 Bedford Street, Loughborough,  
Leicestershire, LE11 2DS

Thank you for your enquiry received on 14 September 2018.

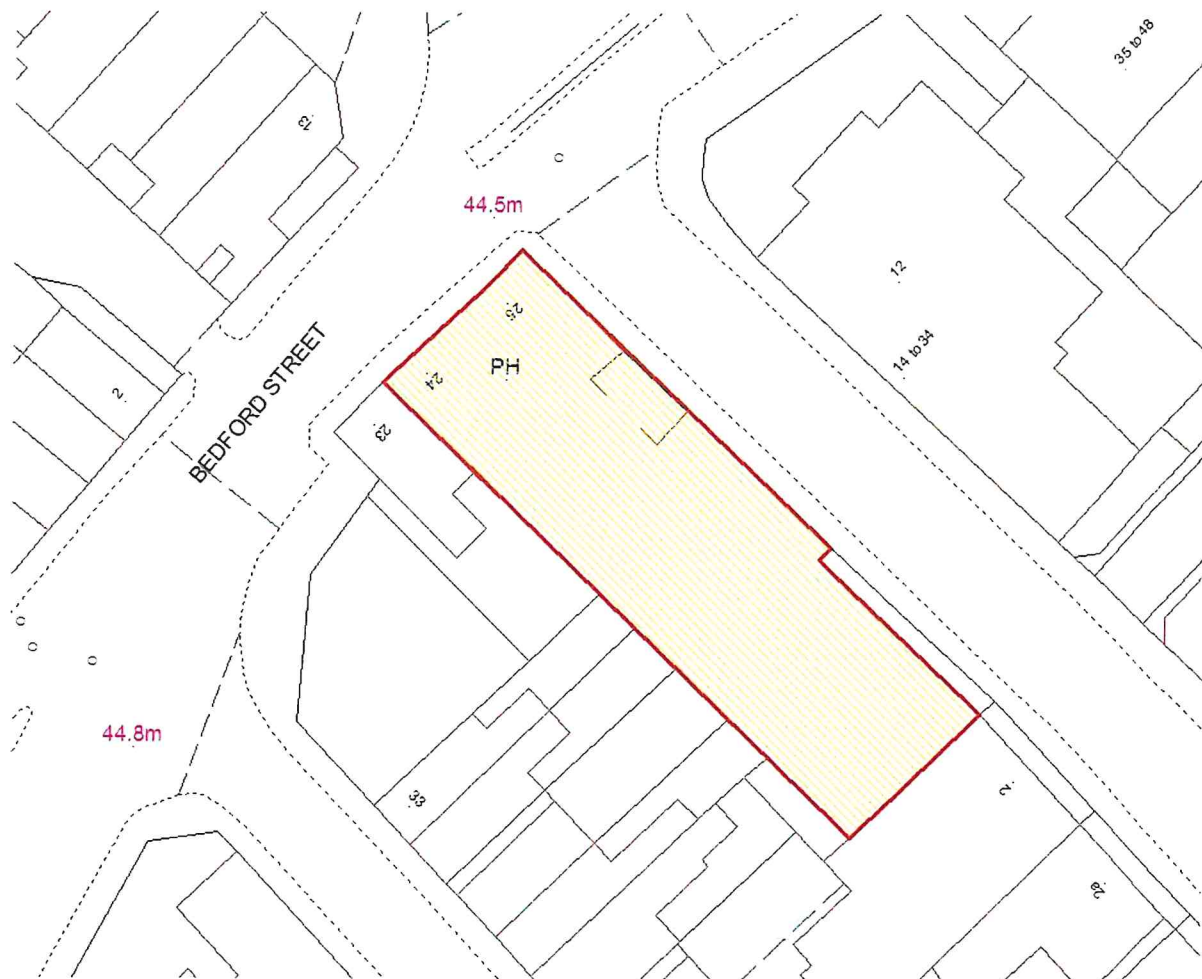
The Local Planning Authority has no comments to make on this Premises Licence application.

If you have any questions or require further information, please contact me on 01509 634570 or Email [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)

Yours faithfully

Karen Barton  
Development Management Support Officer

Data Protection





**AN APPLICATION HAS BEEN SUBMITTED TO CHARNWOOD BOROUGH COUNCIL AS FOLLOWS:-**

<b>Type of application (grant or variation)</b>	Grant
<b>Name of Applicant</b>	Mozammel Hussain
<b>Premises Name</b>	Moza's Pub and Restaurant
<b>Address of premises</b>	24-25 Bedford Street Loughborough LE11 2DS
<b>Type of activity to be licensed</b>	<b>Days and times Licensable activities are to take place</b>
Live music (indoors)	Sundays to Saturdays 0900-2330
Recorded music (indoors)	Sundays to Saturdays 0900-2330
Performances of dance (indoors)	Sundays to Saturdays 0900-2330
Late night refreshment (indoors)	Sundays to Saturdays 2300-0000
Sale of alcohol (on the premises)	Sundays to Saturdays 0900-2330

Dated: 13 September 2018

Any objections in respect of the application should be made in writing to:  
Licensing Manager, Charnwood Borough Council, Council Offices, Southfield Road, Loughborough, Leicestershire, LE11 2TX, and must be made by the following date:- 11th October 2018.

A record of the application can be inspected at the Council Offices at the aforementioned address during normal office hours. It is an offence to knowingly or recklessly make a false statement in or in connection with an application. Any person found guilty of such offence shall be liable on summary conviction to a maximum fine in the sum of £5000.00. Guidance for making objections can be found at:

[https://www.charnwood.gov.uk/files/documents/premises\\_licence\\_representation\\_form\\_from\\_interested\\_parties/Representation%20Form%20From%20Interested%20Parties.doc](https://www.charnwood.gov.uk/files/documents/premises_licence_representation_form_from_interested_parties/Representation%20Form%20From%20Interested%20Parties.doc)

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Business

Public Notices

THE LEICESTERSHIRE COUNTY COUNCIL... ROADWORK ON THE WOLDS IN THE PARISH OF WOLDS, BRIDGE OF CHARMWOOD... NOTICE IS HEREBY GIVEN that the LEICESTERSHIRE COUNTY COUNCIL has made an Order under Section 64 of the Road Traffic Regulation Act 1994 and in compliance with the provisions of that Act...

Table with columns: Day & Time, Location, Type of activity to be licensed, and other details for the roadwork notice.

AN APPLICATION HAS BEEN SUBMITTED TO CHARMWOOD BOROUGH COUNCIL AS FOLLOWS: Mr. Raymond Heston, Mr. Paul and Restaurant, 0900-2300... 0900-2300

Mobile... buyselfmidlands.co.uk... The application should be made in writing to Licensing Manager, Charmwood Borough Council, Council Offices, Southfield Road, Loughborough, Leicestershire, LE11 2TX...

Mobile... buyselfmidlands.co.uk... FREE for any item under 100g. £1.00 per parcel for items over 100g. Includes postage, insurance, tracking, and signature on delivery.

TOWNS AND COUNTRY PLANNING (CIVIL ENGINE) 2015... The application should be made in writing to Planning Permission Officer, Leicestershire County Council, Council Offices, Southfield Road, Loughborough, Leicestershire, LE11 2TX...

PLANNED PARALLEL COUNCIL... The proposal affects a Conservation Area, P1/18/7532-18-20 High Street, Loughborough... The proposed site is shown on the map...

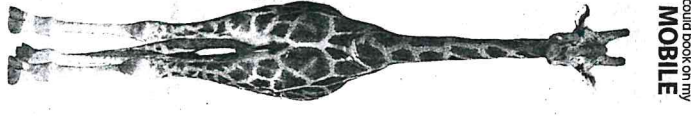
REVEALING NEW AUTOBIOGRAPHY... STEVE HARMISON... The proposed site is shown on the map... The proposed site is shown on the map...



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## MANDATORY CONDITIONS

### Mandatory Conditions applicable to all Premises Licences & Club Premises Certificates under the Licensing Act 2003

#### Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section “Children” - means persons aged under 18; and “Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:
  - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
  - (b) Be entitled to carry out activity by virtue of section 4 of the Act.



8. But nothing in subsection (1) requires such a condition to be imposed:
- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or
  - (b) In respect of premises in relation to:
    - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
9. For the purposes of this section:
- (a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.
  - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **Age Verification**

10. 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.
11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
12. 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.

## **Permitted Price**

13. 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.

14. For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(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(b).

15. 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.

16. (1) 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.

(2) 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.

### **Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)**

17. 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.
18. 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:
- (a) 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).
  - (b) 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 a significant risk of undermining a licensing objective;
  - (c) 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 a significant risk of undermining a licensing objective;
  - (d) 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;
  - (e) 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).
19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Alcoholic Drink Measures**

20. The responsible person must ensure that:

- (a) 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—
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) 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.”

24 SEP 2018

**Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

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 (Insert name) Nina Henderson.....wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below.

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b> <u>32 Bedford Street</u>	
<b>Post Town</b> <u>Loughborough</u>	<b>Post Code</b> <u>LE11 2DS</u>
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> <u>Moza's Pub and restaurant</u>	
<b>Number of premises licence or club premise certificate (if known)</b>  	

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

- |  |                                     |
|--|-------------------------------------|
|  | Please<br>Tick ✓                    |
| 1) A responsible authority (please complete (C) below)                                   | <input type="checkbox"/>            |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/>            |
| 3) Other persons (Please complete (A) or (B) below)                                      | <input checked="" type="checkbox"/> |



**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other Title (for example, Re )

Surname

First Names

I am 18 years old or over Yes  (Please Tick)

Current Address	<input type="text" value="33 ALBERT STREET"/>		
Post Town	<input type="text" value="LOUGHBOROUGH"/>	Post Code	<input type="text" value="LE11 2DW"/>

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
------------------

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
------------------

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |   |                                     |
|---|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. Public Safety                        | <input checked="" type="checkbox"/> |
| 3. The Prevention of Public Nuisance    | <input checked="" type="checkbox"/> |
| 4. The Protection of Children from Harm | <input checked="" type="checkbox"/> |

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

**The Prevention of Crime and Disorder**

I am concerned about drunkenness and violence on the property. As I live so close this is going to add to noise and I feel my house/garden could be a target for ~~the~~ drunken vandalism.

**Public Safety**

If I am coming home in an evening I want to feel safe entering my home.

**The Prevention of Public Nuisance**

loud sounds of music, people using venue. Car park is already left in a bad state, with rubbish is this going to be worse.

**The Protection of Children from Harm**

Noise of keep children living near by awake.

Underage drinking?

Please provide as much information as possible to support the representation

(Please read guidance note 2)

The property is at the end and adjacent to residential streets. This application for music/live music and a late opening is going to cause a lot of noise and disturbance for the residents of this area.

The car park is not well maintained and it is covered in weeds, brambles and litter and is often used for fly tipping. Residents in this area already struggle to find parking spaces, with more people attending this venue with no suitable parking this is going to affect residents parking.

Unfortunately drunkenness tends to bring violence and this will make it very unpleasant and add more noise.

Please  
Tick ✓

Have you made any representation relating to these premises before?

NO


If Yes, please state the date of that representation

Day		Month		Year			

**If you have made representation before relating to these premises please state what they were and when you made them.**

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

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

Signature		Date	22.9.18
Capacity			

**Please Note – Your address will be a matter of public records if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

<b>Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)</b> Nina Henderson 33 Albert Street Le			
Post Town	Loughborough	Post Code	LE11 2DU

Telephone Number (if any)	
E-mail Address (optional)	

**Notes for Guidance**

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative'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 representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX. Tel: 01509 634562 Email: [Licensing@charnwood.gov.uk](mailto:Licensing@charnwood.gov.uk).



**Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

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.

**We (Insert name)** HELEN AND ANTHONY BENNETT wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below.

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b> 32 BEDFORD STREET LOUGHBOROUGH LE11 2DS	
<b>Post Town</b> LEICESTERSHIRE	<b>Post Code</b> LE11 2DS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> MOZAI'S PUB AND RESTURANT
--

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

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

Please Tick ✓

- 1) A responsible authority (please complete (C) below)
- 2) A member of the club to which this representation relates (please complete (A) below)
- 3) Other persons (Please complete (A) or (B) below)

**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other Title (for example, Re )

Surname  
BENNETT  
BENNETT

First Names  
HELEN  
ANTHONY

I am 18 years old or over Yes  (Please Tick)

Current Address	3 ALBERT STREET LOUGHBOROUGH		
Post Town	LEICESTERSHIRE	Post Code	LE11 2DW

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
------------------

Telephone Number (If any)	
E-Mail address (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
------------------

Telephone Number (If any)	
E-Mail address (optional)	



This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |   |                                     |
|---|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. Public Safety                        | <input checked="" type="checkbox"/> |
| 3. The Prevention of Public Nuisance    | <input checked="" type="checkbox"/> |
| 4. The Protection of Children from Harm | <input checked="" type="checkbox"/> |

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

<p><b>The Prevention of Crime and Disorder</b> we do not feel that the applicant has given enough assurance that the following will be dealt with: - underage drinking, drunkenness on premises, public drunkenness, sale/use of drugs, violent behaviour, and anti social behaviour.</p> <p>No mention of employing properly trained door personnel.</p>
<p><b>Public Safety</b></p> <p>No mention of appropriate method to be used to check number of people using premises - pub 75, restaurant 70</p>
<p><b>The Prevention of Public Nuisance</b></p> <p>? how is disturbance to local residents to be kept to a minimum e.g. doors and windows closed during loud music - ? sound proofing of building litter - existing car park in poor state. No mention of not emptying glass bottles between 11pm - 7am or when deliveries will be carried out. Parking issues. No attempt to liaise with local residents</p>
<p><b>The Protection of Children from Harm</b></p> <p>This establishment has a reputation for allowing underage drinking. Appreciate this was under different management but this type of business will be a magnet for the young. See attached doc.</p>

The application to review the restaurant's premises licence was submitted by PC Jonathan Webb from Leicestershire Police's licensing department, who voiced a number of concerns.

THE owner of a town centre restaurant has managed to keep his premises licence - despite a police appeal claiming that a fight had broken out following the sale of alcohol at an under 18s party.

Mr Chi Kien Tang, owner of Kura Kura in Bedford Street, Loughborough, was brought before Charnwood Borough Council's licensing sub-committee on Monday, March 27.

The application to review the restaurant's premises licence was submitted by PC Jonathan Webb from Leicestershire Police's licensing department, who voiced a number of concerns including underage sales of alcohol, failing to provide staff with adequate training and the circumstances surrounding an under 18s party on New Year's Eve organised by an outside events company. Loughborough pub and restaurant to reopen after refurbishment

Town centre beat officer PC Michael Green was one of six officers who responded to reports of a fight in Victoria Street in the early hours of January 1, 2017.

In his witness statement, PC Green says there was a group of at least 30 teenagers in the street immediately outside Kura Kura, with several smashed beer bottles in the road.

He said many members of the group "made off" after seeing police but he spoke to several who remained in the area and identified that they were all 15 to 18-years-old and many of them were drunk.

PC Green says several young people told him they had been in Kura Kura for a party and had been served alcohol, despite being underage.

During a follow up investigation, PC Green claims he established that Mr Tang had been failing to comply with a number of the conditions on his premises licence. It's time for a change with planning applications - Echo opinion

The police suggested, among other conditions, that Mr Tang be removed as designated premises supervisor and the licence be suspended for one month.

During the licensing sub-committee meeting, Mr Tang was represented by his ward councillors Coun Paul Mercer and Coun Ted Parton.

Coun Mercer told the meeting: "This review argues that we should take the Draconian steps against the licensee and, I believe, these are tantamount to closing down the restaurant. It has the ability to close down a very popular restaurant and put six people out of work.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

Arising from this application the likelihood of crime and disorder, risk to public safety, public nuisance and problems with young people is a real concern to local residents.

The premises are located at the beginning of a residential area and are adjacent to a property and back onto several others.

The small car park belonging to the property is poorly maintained - brambles, weeds, litter, broken bottles and every so often fly tipping.

Residents already have problems in finding parking spaces and there is no obvious space for more vehicles to be parked in the area.

In the past there have been problems with fighting and underage drinking - granting a music and dance licence will inevitably attract a lot more young people to the area with all the subsequent problems.

We accept that as we choose to live near the town centre that we have to expect a certain amount of disturbance but this application if granted will do nothing whatsoever to enhance this area of Loughborough.

Please  
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation


Day		Month		Year			

**If you have made representation before relating to these premises please state what they were and when you made them.**



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

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

Signature	A Bennett 	Date	23-9-18
Capacity	Local residents		

**Please Note – Your address will be a matter of public records if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

**Notes for Guidance**

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative'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 representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX. Tel: 01509 634562 Email: [Licensing@charnwood.gov.uk](mailto:Licensing@charnwood.gov.uk).

27 SEP 2018



**Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

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 (Insert name)...Victoria STACEY.....wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below.**

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, Ordnance Survey map reference or description</b> Moza's Pub and Restaurant, 32 Bedford Street, Loughborough, LE11 2DS	
<b>Post Town</b> Loughborough	<b>Post Code</b> LE112DS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mozammel Hussain Moza's Pub and Restaurant
--

<b>Number of premises licence or club premises certificate (if known)</b> Not Known
--

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

Please Tick ✓

- 1) A responsible authority (please complete (C) below)
- 2) A member of the club to which this representation relates (please complete (A) below)
- 3) Other persons (Please complete (A) or (B) below)

**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

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

Surname

First Names

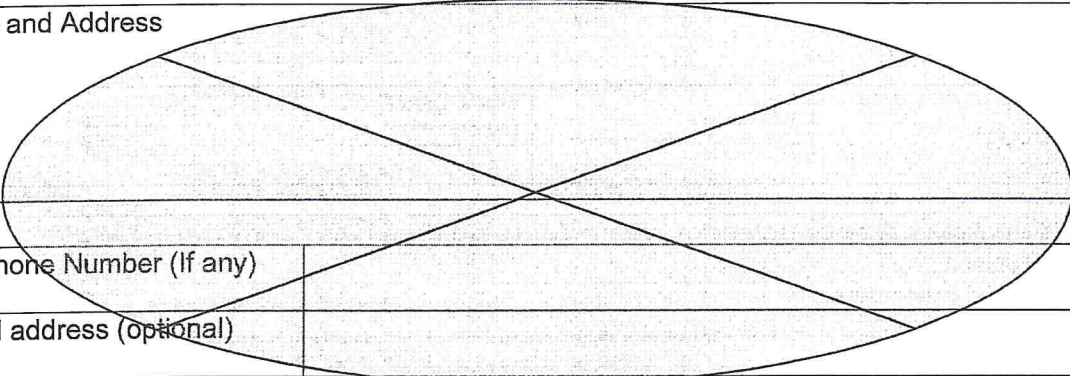
I am 18 years old or over Yes  (Please Tick)

Current Address	29 Albert Street Loughborough		
Post Town	Loughborough	Post Code	LE112DW

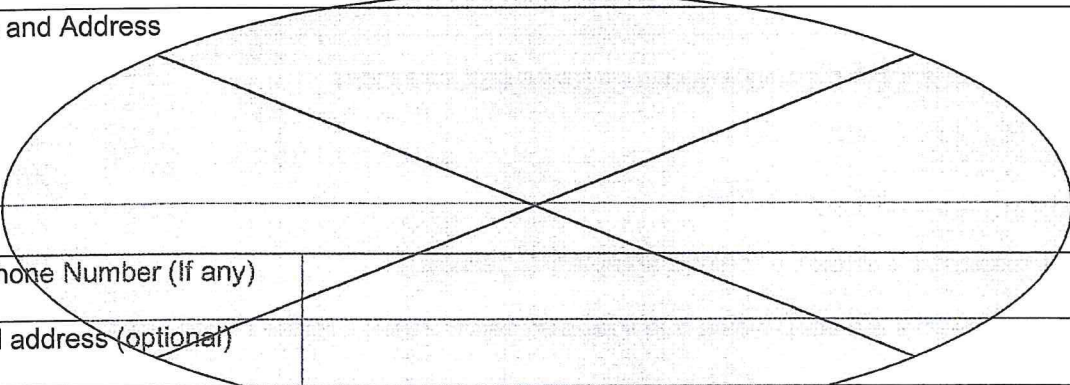
Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address	
	
Telephone Number (If any)	
E-Mail address (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address	
	
Telephone Number (If any)	
E-Mail address (optional)	



This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |   |                                     |
|---|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input type="checkbox"/>            |
| 2. Public Safety                        | <input type="checkbox"/>            |
| 3. The Prevention of Public Nuisance    | <input checked="" type="checkbox"/> |
| 4. The Protection of Children from Harm | <input checked="" type="checkbox"/> |

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

<p><b>The Prevention of Crime and Disorder</b></p> <p>No representations made</p>
<p><b>Public Safety</b></p> <p>No representations made</p>
<p><b>The Prevention of Public Nuisance</b></p> <p>The applicant seeks to apply for the grant of a premises licence for live music (indoors) and performance of dance (indoors) Monday to Sunday from 09:00 to 23:30hrs.</p> <p>However, it is the view of this representative that the above licences will cause public nuisance due to the level of noise and late hours for which the licence is requested.</p> <p>The premises is located on the corner of Victoria Street and Southfield Road/Bedford Street which is situated very close to a significant number of residential homes and flats, many of which are occupied by families with young children. I am one of those residents with two young children aged 5 and 2 years old respectively.</p>

### **The Protection of Children from Harm**

It is my belief that the issues raised in the objective above also apply to this one in that the level of noise would disturb the sleep of a large number of children in the area, causing them issues both at home (bad or moody behaviour) and at school (struggle to concentrate).

**Please provide as much information as possible to support the representation**

(Please read guidance note 2)

My rear garden, along with several other neighbours' rear gardens, backs onto the premises in question and the adjacent dentist practice. The level of noise caused by the live bands and dancers is likely to disturb the sleep of any residents and their children who live within the vicinity of the applicants premises. It should be noted that my youngest child also has sleeps around midday, or the early afternoon, as, I would suggest, would other children of a similar or younger age within the area.

I understand that there has previously been the licence to sell alcohol on the premises and play recorded music indoors by the previous owners. It is currently this representative's belief that the previous licence holders for this premises were responsible in the administration of these licences, in that the volume of the music and the behaviour of the customers were managed so as to minimise the impact of these practices on the nearby residents. There was never, to my knowledge, any live bands playing within the premises and the volume of the music was never too loud so as to disturb those living nearby.

It must be noted that in recent months, some neighbouring licenced premises, namely The Blacksmiths, Ward's End, Loughborough and either The Orange Tree or The Kelso, Ward's End, Loughborough have also had live bands play inside their premises. Nevertheless, their windows and doors were opened and the level of noise travelled a significant distance and could still be heard in my daughter's bedroom. Thankfully, we live far enough away that closing my daughter's window lessened the noise to a level where my daughter could sleep, although it was then difficult to keep her room cool. However, I can't imagine this being the case for those residents living on Bedford Street itself, nor for the Albert Street residents living closer to the premises.

It seems relevant to check the Charnwood Borough Council's records for any noise complaints received in relation to The Blacksmiths and other nearby licensed premises in recent months and for these to be taken into account as regards to this application. It is likely that the Council would receive similar, but no doubt a larger quantity of, complaints.

It should also be noted that local residents within the vicinity of Bedford Street already put up with the level of noise caused during the annual Loughborough Fair. I appreciate that by accepting the convenience of living so close to the town centre, there must be some acceptance of the occasional disturbance and/or inconvenience. However, I am greatly concerned that the acceptance of the licences for live music and dancing would negatively affect the quality of life for the local residents and cause a public nuisance to those living within it's vicinity.

I have no particular objections to the application for the sale of alcohol, nor the playing of recorded music within the premises so long as these are administered with the same level of consideration and care to the local community.

Please  
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

**If you have made representation before relating to these premises please state what they were and when you made them.**

N/A  
None previously made.

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

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

Signature	<i>Stacey</i>	Date	<i>26/9/18</i>
Capacity	<i>Local Resident</i>		

**Please Note – Your address will be a matter of public records if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

**Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)**

Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

**Notes for Guidance**

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative'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 representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX. Tel: 01509 634562 Email: [Licensing@charnwood.gov.uk](mailto:Licensing@charnwood.gov.uk).



27 SEP 2018

**Porter Caroline**

---

**From:** Vicki Stacey <  
**Sent:** 27 September 2018 08:39  
**To:** licensing@charnwood.gov.uk  
**Subject:** Representations in Regards of a Licence Application  
**Attachments:** Representation for Licence Application.pdf

Good Morning,

Please find my representations on a current application for a grant/variation/review of a premises licence or club premises certificate under the Licensing Act 2003 in relation to Moza's Pub and Restaurant, 32 Bedford Street, Loughborough, LE112DS.

Should you require anything else, please don't hesitate to contact me.

Regards

Vicki Stacey

**Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

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.

**We** (Insert name) CHRISTINE DYER.....wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below.

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b>	
Mogai's Pub + Restaurant 32. Bedford St	
<b>Post Town</b>	<b>Post Code</b>
Loughborough	LE11 2DS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mozammel Hussain

<b>Number of premises licence or club premise certificate (if known)</b>

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

- |  |                                     |
|--|-------------------------------------|
|  | Please<br>Tick ✓                    |
| 1) A responsible authority (please complete (C) below)                                   | <input type="checkbox"/>            |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/>            |
| 3) Other persons (Please complete (A) or (B) below)                                      | <input checked="" type="checkbox"/> |



**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

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

Surname

First Names

I am 18 years old or over Yes  (Please Tick)

Current Address	10. ALBERT STREET		
Post Town	LOUGHBOROUGH	Post Code	LE11 2DW

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
------------------

Telephone Number (If any)	
E-Mail address (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
------------------

Telephone Number (If any)	
E-Mail address (optional)	

This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |   |                                     |
|---|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. Public Safety                        | <input checked="" type="checkbox"/> |
| 3. The Prevention of Public Nuisance    | <input checked="" type="checkbox"/> |
| 4. The Protection of Children from Harm | <input checked="" type="checkbox"/> |

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

<p><b>The Prevention of Crime and Disorder</b></p> <p>I do not feel that adequate assurance has been given to <del>anti-social behaviour</del>, use of drugs + anti-social behaviour on the premises. The adjoining car park is poorly maintained, resulting in broken bottles left lying around.</p>
<p><b>Public Safety</b></p> <p>No information given on ways of checking the number of people using the premises. No mention of employing trained safety personnel.</p>
<p><b>The Prevention of Public Nuisance</b></p> <p>These are already licensed premises in Bedford Sq. attracting young people + rowdy behaviour. Cars parked in Albert St. have been vandalized - including mine - on several occasions.</p>
<p><b>The Protection of Children from Harm</b></p> <p>This establishment has a reputation for underage drinking.</p>

Please provide as much information as possible to support the representation

(Please read guidance note 2)

The premises lie within the Victoria Street conservation area, & this development will be detrimental to its aims & ethos

The pavement outside the premises is narrow, & the pedestrian crossing is frequently busy with children & wheelchair users, often causing a 'logjam' - someone could easily be inadvertently pushed into a busy road.

Please  
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

**If you have made representation before relating to these premises please state what they were and when you made them.**

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

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

Signature	<i>CA Dyer</i>	Date	<i>9/10/18</i>
Capacity			

**Please Note – Your address will be a matter of public records if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

**Notes for Guidance**

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative'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 representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX. Tel: 01509 634562 Email: [Licensing@charnwood.gov.uk](mailto:Licensing@charnwood.gov.uk).



**Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

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 (Insert name).....KIM LILLIE.....wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below.

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b> MOZAS RESTAURANT VICTORIA ST LOUFH BARROUFH	
<b>Post Town</b> LOUFH BARROUFH	<b>Post Code</b> LE11 2EN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> MOZAMMEL HUSSAIN
---

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

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

Please Tick ✓

- 1) A responsible authority (please complete (C) below)
- 2) A member of the club to which this representation relates (please complete (A) below)
- 3) Other persons (Please complete (A) or (B) below)



**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other Title (for example, Re )

Surname

First Names

I am 18 years old or over Yes  (Please Tick)

Current Address	<input type="text" value="8 VICTORIA STREET&lt;br/&gt;LIBORO"/>		
Post Town	<input type="text" value="LOUFTSBOROUGH"/>	Post Code	<input type="text" value="LE11 2EN"/>

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
------------------

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
------------------

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |   |                                     |
|---|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input type="checkbox"/>            |
| 2. Public Safety                        | <input type="checkbox"/>            |
| 3. The Prevention of Public Nuisance    | <input checked="" type="checkbox"/> |
| 4. The Protection of Children from Harm | <input type="checkbox"/>            |

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

<b>The Prevention of Crime and Disorder</b>	
<b>Public Safety</b>	
<b>The Prevention of Public Nuisance</b>	THE APPLICANT HAS REQUESTED LIVE + RECORDED MUSIC LICENSES. THIS PROPERTY IS A GLASS + TIMBER BUILDING WITHOUT ADEQUATE SOUND PROOFING FOR THIS. PREVIOUS OWNERS HAVE PLAYED MUSIC AND THE ENTIRE STREET IS ABLE TO HEAR IT. IN ADDITION, THE SIDE VICTORIA STREET ENTRANCE, WHEN OPENED, RELEASES EVEN MORE
<b>The Protection of Children from Harm</b>	LOUD MUSIC - BECAUSE THEY DO NOT OPERATE A DOUBLE DOOR POLICY. CONT...

Please provide as much information as possible to support the representation

(Please read guidance note 2)

... CONTINUED.

I HAVE PREVIOUSLY COMPLAINED ABOUT SOUND PROCKING  
WHEN IT WAS 'KURA KURA' AND SENT VIDEOS TO THE  
COUNCIL DEMONSTRATING HOW MUSIC COULD BE HEARD  
DOWN THE STREET.

Please  
Tick ✓

Have you made any representation relating to these premises before?



If Yes, please state the date of that representation

Day	Month	Year			
	12	2	0	1	6
	01	2	0	1	7

If you have made representation before relating to these premises please state what they were and when you made them.

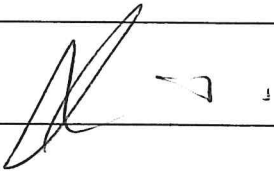
MUSIC HEARD FROM PREMISES WHEN IT WAS  
KURA KURA, PLUS FUEST MANAGEMENT AS  
UNDERAGE CHILDREN WERE COMING OUT THE SIDE  
DOORS + DRINKING IN THE STREET.

MUSIC COULD BE HEARD ALL EVENING UNTIL  
2.30'ISH. IN THE MORNING. ~~HEARD~~

THEY PLAYED LOUD MUSIC + THE VENUE  
IS NOT SOUND PROOFED TO ~~BY~~ MANAGE IT.

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

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

Signature		Date	26/01/18
Capacity	MYSELF		

**Please Note – Your address will be a matter of public records if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
SAME AS PREVIOUS	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

**Notes for Guidance**

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative’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 representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX. Tel: 01509 634562 Email: [Licensing@charnwood.gov.uk](mailto:Licensing@charnwood.gov.uk).





**Representations on a Current Application for a Grant/Variation/Review of a  
Premises Licence or Club Premises Certificate under The Licensing Act 2003**

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 (insert name).....PC 1845 Mike Green.....wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below.**

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b>	
Moza's Pub and Restaurant 32 Bedford Street	
<b>Post Town</b> Loughborough	<b>Post Code</b> LE11 2DS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mozammel Hussain

<b>Number of premises licence or club premises certificate (if known)</b>

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

- |  | Please<br>Tick ✓         |
|--|--------------------------|
| 1) A responsible authority (please complete (C) below)                                   | x                        |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below)                                      | <input type="checkbox"/> |



**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

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

Surname

First Names

I am 18 years old or over

Yes  (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
<input type="text"/>

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
PC 1845 Mike Green
Leicestershire Police Licensing Department
Mansfield House
Leicester

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	licensing@leicestershire.pnn.police.uk

This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |    |   |                          |
|----|---|--------------------------|
| 1. | <b>The Prevention of Crime and Disorder</b> | x                        |
| 2. | <b>Public Safety</b>                        | <input type="checkbox"/> |
| 3. | <b>The Prevention of Public Nuisance</b>    | <input type="checkbox"/> |
| 4. | <b>The Protection of Children from Harm</b> | <input type="checkbox"/> |

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

<p><b>The Prevention of Crime and Disorder</b></p> <p>Police are concerned about the intended use of the premises and the impact this would have on crime and disorder, due to the proximity of residential properties and the lack of measures offered within the proposed conditions.</p>
<p><b>Public Safety</b></p>
<p><b>The Prevention of Public Nuisance</b></p>
<p><b>The Protection of Children from Harm</b></p>

**Please provide as much information as possible to support the representation**

(Please read guidance note 2)

The immediate vicinity of Bedford Square is already a top 5 hot spot location for alcohol related crime within Loughborough and so police believe careful consideration is needed prior to granting another premises the ability to sell alcohol and that careful management of any such premises will be required.

Charnwood's Statement of Licensing Policy refers to a Special Policy on Cumulative Impact. These premises are within the area described within paragraph 4.1 and so the Special Policy applies to this application. The effect here is that there is to be a rebuttable presumption that this application will be refused unless the applicant can demonstrate that the granting of this licence will not add to the cumulative impact already being experienced. It is the view of the police that the applicant has not acknowledged the Special Policy or provided enough information to do so.

A premises licence was previously held by a different person, however a review application was submitted by police in February 2017, following crime and disorder at a private party held in the restaurant area on New Year's Eve and a series of breaches of the conditions of the licence. The licence was later surrendered and the business changed hands. Since then, the business has been operating as a restaurant without licensable activity and so the impact on the licensing objectives diminished.

During July 2018, I was contacted by the proposed DPS – Angela Jackson. She said that she was intending on running the restaurant area to the rear as what I can only describe as a nightclub (music and alcohol until 3 or 4am, with door supervisors) and that the pub area at the front would be managed by Moza. She described it as two separate businesses within the one building. I expressed my concerns about this and so Angela said she would appoint a solicitor. I welcomed this and suggested the solicitor contact me to discuss it further with a view to reaching a position we were all happy with. No one has contacted me in over two months and so I was not consulted any further prior to this application being submitted.

Though the hours in this application are shorter than what was initially discussed, police are still concerned about the intended use, the lack of appropriate control measures put forward and the impact this will have on the licensing objectives, particularly the crime and disorder objective.

In order to minimise the impact on the licensing objectives – and particularly with the extremely close proximity of residential properties on all four sides – police suggest the following amendments to this application:

- All licensable activity to cease at 2330hrs, with a closing time of 0000hrs.
- Within the restaurant area, no alcohol will be sold without a table meal.
- The restaurant area will not be used for the purpose of vertical drinking or regulated entertainment.
- 

Police also have concerns regarding the ability of the proposed DPS to carry out her role in what will need to be a sensitive and carefully managed manner, when she is also the DPS at a nightclub in Leicester City Centre (licensed from 1100hrs to 0300hrs daily).

Please  
Tick ✓

Have you made any representation relating to these premises before?

x

If Yes, please state the date of that representation

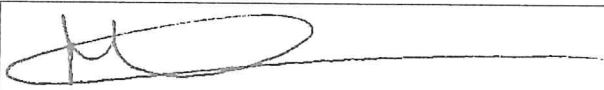
Day		Month		Year			
		0	2	2	0	1	7

**If you have made representation before relating to these premises please state what they were and when you made them.**

A review application was submitted by police in February 2017, following crime and disorder at a private party held in the restaurant area on New Year's Eve and a series of breaches of the conditions of the licence.

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

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

Signature		Date	01/10/18
Capacity	POLICE CONSTABLE		

**Please Note – Your address will be a matter of public records if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

**Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)**

Post Town	Post Code
-----------	-----------

Telephone Number (if any)	
E-mail Address (optional)	

## Notes for Guidance

1. The ground(s) for representation must be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
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5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX. Tel: 01509 634562 Email: [Licensing@charnwood.gov.uk](mailto:Licensing@charnwood.gov.uk).



10 OCT 2018

Porter Caroline

**From:** McParland Andy  
**Sent:** 10 October 2018 12:37  
**To:** licensing@charnwood.gov.uk  
**Subject:** RE: Premises Licence Application - Moza's Pub and Restaurant, 32 Bedford Street, Loughborough LE11 2DS  
**Attachments:** RE: Premises Licence Application - Moza's Pub and Restaurant, 32 Bedford Street, Loughborough LE11 2DS

NOT PROTECTIVELY MARKED

=====

Hello Licensing

Having considered this application with regards to potential public nuisance, I confirm the following.

The premises is bounded by noise sensitive residential facades on both Victoria Street and Bedford Street elevations. Late night background noise levels in the vicinity are also low and as such, events involving amplified music have the potential to dominate the local night-time noise environment and cause significant noise disturbance.

Structurally, the rear restaurant area is not suited to the effective containment of noise from amplified music events. Any resulting impacts particularly to nearby residents of Sovereign Court, would be exacerbated by patrons accessing and using the patio area as a beer garden and smoking area.

Given these circumstances, it is imperative that effective noise management measures are maintained to prevent nuisance being caused to nearby residents. To this end, the applicant has agreed (email trail attached) to the incorporation of the following additional licence conditions:

1. Windows and external doors to the restaurant area must remain closed at all times, apart for emergency access and egress, during the playing of live or recorded music above background volume, incidental to the restaurant use.
2. Apart from emergency egress, external doors to the restaurant area must remain closed and taken out of use each day from 23:30 hours.
3. The playing of live and amplified music in the restaurant area shall cease at 23:00 every day.
4. No live or recorded music shall be played outside or relayed via speakers externally.

I therefore have no objections to the application providing these additional conditions are attached to any licence.

Andy McParland  
Specialist Environmental Health Officer  
Charnwood Borough Council  
01509 634784

**From:** Brown Winston [mailto:winston.brown@brownandcosolicitors.co.uk]  
**Sent:** 10 October 2018 11:49



To: McParland, Andy  
Subject: RE: Premises Licence Application - Moza's Pub and Restaurant, 32 Bedford Street, Loughborough LE11 2DS

Agreed

**Winston Brown**  
Solicitor



Brown and Co Solicitors

George House

5 Greenwich South Street

Greenwich

London SE10 8NW

T: 0208858 5996

F: 02080430004

W: [www.browncosolicitors.co.uk](http://www.browncosolicitors.co.uk)

On 05 October 2018 at 14:24 McParland Andy <[Andy.McParland@charnwood.gov.uk](mailto:Andy.McParland@charnwood.gov.uk)>  
wrote:

NOT PROTECTIVELY MARKED

=====

Dear Mr Brown

Thank you for your response. In line with your comments, I have amended the suggested condition (3.) If you could confirm your client's acceptance of the following, that would be great.

1. Windows and external doors to the restaurant area must remain closed at all times, apart for emergency access and egress, during the playing of live or recorded music above background volume, incidental to the restaurant use.

2. Apart from emergency egress, external doors to the restaurant area must remain closed and taken out of use each day from 23:30 hours.
3. The playing of live and amplified music in the restaurant area shall cease at 23:00 every day.
4. No live or recorded music shall be played outside or relayed via speakers externally.

Regards

Andy McParland

Specialist Environmental Health Officer

Charnwood Borough Council

01509 634784

---

**From:** Brown Winston [<mailto:winston.brown@brownandcosolicitors.co.uk>]  
**Sent:** 05 October 2018 12:31  
**To:** McParland Andy  
**Subject:** Re: Premises Licence Application - Moza's Pub and Restaurant, 32 Bedford Street, Loughborough LE11 2DS

Please see our comments on below.

**Winston Brown**  
Solicitor



Brown and Co Solicitors

George House  
5 Greenwich South Street  
Greenwich  
London SE10 8NW

T: 0208858 5996  
F: 02080430004  
W: [www.brownandcosolicitors.co.uk](http://www.brownandcosolicitors.co.uk)

On 01 October 2018 at 17:20 McParland Andy  
<[Andy.McParland@charnwood.gov.uk](mailto:Andy.McParland@charnwood.gov.uk)> wrote:

NOT PROTECTIVELY MARKED  
=====

Dear Sir/Madam

I refer to the online premises licence application made by your client Mozammel Hussain on 13 September 2018.

Having considered the application with regards to potential public nuisance, I confirm the following.

The premises is bounded by noise sensitive residential facades on both Victoria Street and Bedford Street elevations. Late night background noise levels in the vicinity are also low and as such, events involving amplified music have the potential to dominate the local night-time noise environment and cause significant noise disturbance.

Structurally, the rear restaurant area is not suited to the effective containment of noise from amplified music events. Any resulting impacts particularly to nearby residents of Sovereign Court, would be exacerbated by patrons accessing and using the patio area as a beer garden and smoking area.

Given these circumstances, it is imperative that effective noise management measures are maintained to prevent nuisance being caused to nearby residents. I am therefore minded to request the following measures be incorporated as additional licence conditions:

- Windows and external doors to the restaurant area must remain closed at all times, apart for emergency access and egress, during the playing of live or recorded music above background volume, incidental to the restaurant use. **Agreed**
- Apart from emergency egress, external doors to the restaurant area must remain closed and taken out of use each day from 23:30hours. **Agreed**
- No regulated entertainment shall be provided in the restaurant area. **Agreed save please confirm that it is acknowledged that my client has the right under Deregulation legislation to play recorded music until 2300 every day.**
- No live or recorded music shall be played outside or relayed via speakers externally. **Agreed**

I would be grateful if you could consider this proposal and confirm your position in advance of the consultation deadline of 11 October 2018.

Many thanks

Andy McParland

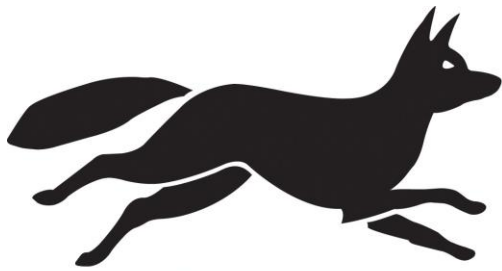
Specialist Environmental Health Officer

Charnwood Borough Council

01509 634784

Data Protection

For information about how and why we may process your personal data, your data protection rights or how to contact our Data Protection Officer, please view our [Privacy Notice](#)



# Charnwood



## **Licensing Act 2003**

### **Statement of Licensing Policy**

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# Charnwood Borough Council

## Statement of Licensing Policy

### 1 Introduction

#### Purpose

- 1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

It will also:

- be used as a guide by members of the Licensing Authority in their decision making ;
- inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

This Policy is normally in place for five years but will be kept under review during that five year period.

#### Consultation

- 1.2 In developing this Statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views:

- the police
- the fire authority
- persons representing holders of existing licences for the sale of alcohol, public entertainment, theatres, cinemas and late night refreshment
- persons representing holders of clubs registered under the Licensing Act 1964
- bodies representing businesses and residents in its area
- other groups that the Licensing Authority considered appropriate

## Licensable Activities

1.3 The licensable activities are:

- the sale of alcohol by retail
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- the provision of late night refreshment
- the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)
- any playing of recorded music
- a performance of dance
- and similar types of musical or dance related entertainment.

1.4 Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that take place between **08:00- 23:00** on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises;
  - a performance of unamplified live music
  - a performance of live amplified music in a workplace with an audience of no more than 500 people; or
  - a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.

- Recorded music, where recorded music comprises;
  - Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
  - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
  - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated Entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

## **2 Fundamental Principles**

### **Background**

2.1 This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

### **2.2 Immigration Act 2016**

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amends the 2003 Act and introduces immigration safeguards in respect of licensing applications made in England or Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in

licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

The Home Secretary (in practice Home Office (Immigration Enforcement)) is added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

### **2.3 Entitlement to Work**

Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only.

Applicants must provide copies of Identification documents to verify their entitlement to right to work within the UK. The documents, which may be relied on in support of an application demonstrating an entitlement to work in the UK, are the same for the personal licence (see section 14) shown in Appendix 3.

### **2.4 The Licensing Objectives**

The licensing authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

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

### **2.5 Balance**

The licensing authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses

for an acceptable environment and quality of life.

- 2.6 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

### **Relevancy**

- 2.7 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 2.8 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

## **3 Cumulative Impact**

- 3.1 The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. “Need” is a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.
- 3.2 In certain situations the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual premises the licensing authority may consider that an area has become saturated with licensed premises.
- 3.3 The Licensing Authority has received a representation from the Leicestershire Police that the circumstances described above exist in relation to parts of Loughborough’s Town Centre, and that the grant of



further premises licences or club premises certificates would undermine the crime prevention objective.

- 3.4 In response to this representation the Licensing Authority has:
- Considered evidence about the extent of the problem of crime and disorder;
  - Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre;
  - Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre;
  - Considered the outcome of that consultation; and
  - Resolved to declare the special policy described in Section 4 below.

- 3.5 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- a Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and gives the police a power to confiscate alcohol from adults and children in designated areas;
- A closure notice of up to 48 hours, can be issued by the Council or Police without going to Court, where there is nuisance to the public or disorder near to the premises;
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

## **4 Special Policy on Cumulative Impact**

- 4.1 The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre:
- bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
  - Including both sides of the streets bounding the area;
  - Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.
- 4.2 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its merit. Licences that are unlikely to add to the problems of saturation would be approved.
- 4.3 The effect of the special policy will be to create a rebuttable presumption that application for new premises licences or club premises certificates, or material variations will normally be refused. However, applications will only be refused where valid representations maintaining that it is necessary to refuse the application for the promotion of the prevention of crime and disorder and referring to information which had been before the licensing authority when it developed its statement of licensing policy have been received.
- 4.4 When consideration is given to whether to refuse an application because of the special policy, it will be for an applicant to lay the necessary evidence that the granting of the licence would not add to the cumulative impact already being experienced. The authority acknowledges that the impact will be different for premises with different styles and characteristics
- 4.5 The authority will review the special policy in line with that of the Statement of Licensing Policy and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.
- 4.6 The special policy will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; or to
  - justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
  - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## **5 Licensing Hours**

- 5.1 In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 5.2 It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 5.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 5.4 In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation
- 5.5 Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

## **6 Promotion of the Licensing Objectives**

- 6.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:
  - Granting or refusing applications for licences;
  - Reviewing licences;
  - Imposing conditions;
  - Deciding how to integrate with other strategies of the council.

Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

- 6.2 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will

enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Council's Environmental Health Officers with responsibility for Health & Safety
- Public Nuisance – the Borough Council's Environmental Health Officers with responsibility for Pollution Control
- Protection of Children from Harm – Leicester Area Child Protection Committee, Leicestershire Police and Leicestershire Trading Standards, Leicestershire Public Health.

6.3 Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will take into account the information set out below, on steps to promote the licensing objectives, when undertaking the functions identified in Paragraph 6.1 above.

## **7 The Prevention of Crime and Disorder**

### **7.1 CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in town centre pubs and clubs and town centre late night refreshment premises.

### **7.2 Open Containers of Alcohol**

A significant part of the town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

### 7.3 **Irresponsible Drinks Promotions**

The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.

- 7.4 Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

### 7.5 **Dance Venues**

The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the “*Safer Clubbing Guide*” published by the Government [http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)

### 7.6 **Other Steps to Promote the Prevention of Crime and Disorder**

There is a wide range of other steps which may be appropriate in particular circumstances including:

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
- Requiring drinking vessels to be plastic or toughened glass
- Requiring the provision of retail radio's to connect premises supervisors in town centres to the police
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of staff to control admission and to control customers inside the premises.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales

## 8 **Public Safety**

### **Premises Licensed for Regulated Entertainment**

- 8.1 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of

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compliance that promotes public safety.

- 8.2 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This will include:
- Setting of a capacity limit for all, or separate parts, of the premises.
  - The provision of staff to control admission and to control customers inside premises and at outdoor events.

## **9 The Prevention of Public Nuisance**

- 9.1 The Licensing Authority considers that applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises should carry out a risk assessment. Advice and assistance in undertaking this task should be sought from Council Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
  - Measures to reduce noise and vibration emissions from premises
  - Measures to prevent noxious smells
  - Measures to reduce light pollution
  - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
  - Stricter controls will be supported in areas in closer proximity to residential accommodation.

## **10 The Protection of Children from Harm**

### **General**

- 10.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Area Child Protection Committee on each application.
- 10.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 10.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.



The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- 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 has been an association with drug taking or dealing.
- 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 or of bingo).

10.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

10.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

### **Children and Cinemas**

10.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

### **Children and Public Entertainment**

10.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The licensee should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

## **Proof of Age Cards**

- 10.8 The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.
- 10.9 The Licensing Authority supports the '**Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.**' It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

## **11 Integrating strategies**

- 11.1 The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

### **Crime Reduction Partnership**

- 11.2 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Charnwood a safe and attractive borough in which to live, work, study and socialise.
- 11.3 In making decisions, the Licensing Authority will consider the Charnwood Community Safety Partnership Strategy, especially relating to;
- Reducing the opportunities for crime to occur
  - Tackling disorder and anti-social behaviour
  - Reducing the fear of crime
  - Combating the use of drugs

### **Planning**

- 11.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Licensing applications will not be a rerun of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal, or decisions made under delegated authority to officers.
- 11.5 There are circumstances when as a condition of planning permission; a

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terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution.

### **Cultural Strategy**

- 11.6 'Leisure and cultural opportunities for all' is Charnwood's Cultural Strategy setting out the common vision and shared goals for all those involved in the cultural life of the borough. Charnwood Borough Council is committed to its implementation working with the Cultural Strategy Partnership.
- 11.7 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 11.8 The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of Leicester's Cultural Strategy is "to invest in the development of cultural activity which contributes to the economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity". Borough Council performance targets to increase cultural participation have underpinned this.
- 11.9 The Borough Council will also seek premises licences for selected public spaces in the community in its own name. This could include, for example, green spaces, parks, and town centre squares etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.
- 11.10 This licensing policy will operate in the spirit of the Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

11.11 In order to maintain this balance the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

### **Building Control**

11.12 The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

11.13 Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

11.14 Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Work Place Regulations and enforcement of risk assessments.

### **Promotion of Equality**

11.15 In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.

11.16 The Licensing Authority also recognises that this policy should

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promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

11.17 The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

11.18 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

### **Disabled Access**

11.19 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

### **Transport**

11.20 Transport Strategy is set out in the Local Transport Plan (LTP).

11.21 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development

takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.

- 11.22 A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.
- 11.23 Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

## **12 Duplication**

- 12.1 The authority will avoid duplication with other regulatory regimes (eg the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.
- 12.2 Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

## **13 Standardised Conditions**

- 13.1 The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.
- 13.2 However, to aid administration attached to this statement, but not forming part of it, at Appendix 1, are pools of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.
- 13.3 A number of conditions are mandatory and are required to be applied to licences.



## **Mandatory Conditions.**

Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

The Mandatory Conditions are attached to this Policy at Appendix 2. These need to be adhered to and complied with by the Premises Licence Holder.

For premises with ON sales the Mandatory Conditions will include the following requirements;

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-

Permitted price of alcohol

Age verification Policy

Irresponsible promotions

No drinking games (encouraging people to drink too much or within specific time limits).

Free potable water

Measures of alcoholic drink

Exhibition of films

Door Supervision

For premises with OFF sales the Mandatory Conditions will include the following requirements;

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-

Permitted price of alcohol

Age verification Policy

## **14 Personal Licences**

14.1 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003,

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with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.

- 14.2 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 14.3 In order to carry out this duty, from April 6 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity.
- 14.4 In order to discharge this duty, from 6<sup>th</sup> April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and require applicants to submit copies of one of the documents listed in Appendix 3.
- 14.5 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.

The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.

- 14.6 Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.
- 14.7 When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear

statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

- 14.8 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

## **15 Temporary Event Notices (TENs)**

- 15.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that any of the four licensing objectives would be undermined.
- 15.2 "Late" TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. Late TENs can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than five days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 15.3 The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.
- 15.4 The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.

## **16 Enforcement**

- 16.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.
- 16.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 16.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.
- 16.4 Enforcement activities will include operations designed to:
- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
  - Protect public safety;
  - Prevent nuisance;
  - Prevent crime and disorder;
  - Protect children from harm;
  - Identify unlicensed activities;
  - Respond to complaints and representations from relevant individuals and responsible authorities;
  - Prevent the sale of alcohol to minors
  - Prevent the sale of alcohol to people who are drunk
  - Identify the keeping of smuggled goods
  - Prevent drug misuse

## **17 Live Music, Dancing, Theatre, Circuses and Street Arts**

- 17.1 The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 17.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

## 18 Wholesale of alcohol

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## 19 Delegation of Functions

19.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions;
- The review of a premises licence or club premises certificate;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police objection to a temporary event notice.

19.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence;
- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated premises supervisor
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

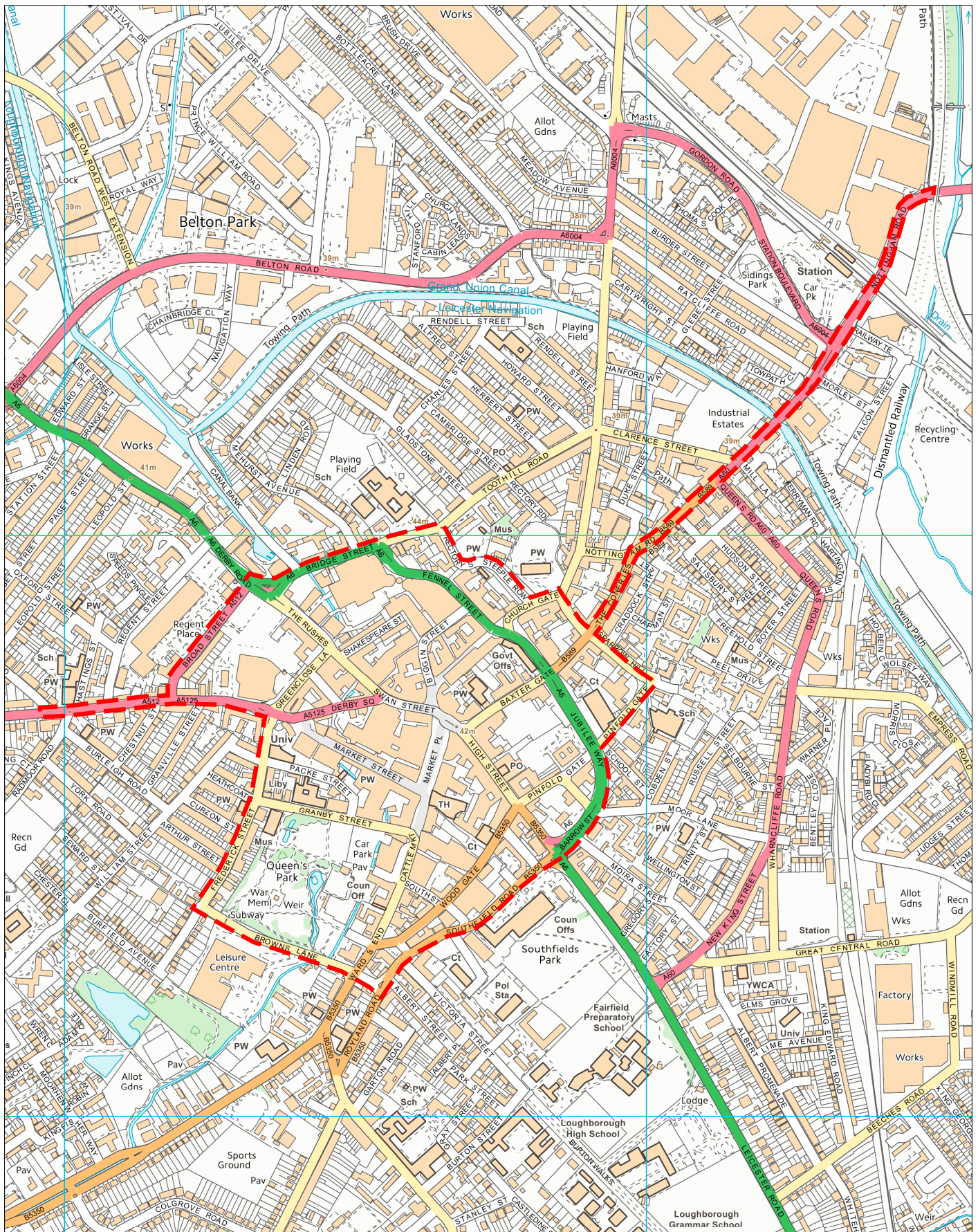
19.3 The Licensing Manager will determine all other matters.

- 19.4 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. There is clear guidance as to what constitutes a "minor variation" contained on Charnwood Borough Councils website.
- 19.5 Councillors are now considered as "interested parties" and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

## **20 Period of Validity & Review**

- 20.1 This statement of licensing policy will come into force on June 2017 and be valid for five years.
- 20.2 The policy will be kept under review during the period of validity and if necessary amendments made.
- 20.3 Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

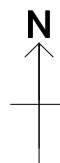




## Loughborough Saturation Zone

Charnwood Borough Council  
 Council Offices  
 Southfield Road  
 Loughborough  
 Leicestershire  
 LE11 2TX

[www.charnwood.gov.uk](http://www.charnwood.gov.uk)



Scale: 1:9000

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## 2. 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.

## Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.



## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the



early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Protection of children from harm**

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 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.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate



authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

## Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority



## **POOL OF MODEL CONDITIONS – Licensing Act 2003**

### **CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER**

#### **1. Text/Radio Pagers.**

The Licensee will join the Pubwatch scheme operating in the area and will ensure that

- The text/pager equipment is kept in working order at all times
- The pager link be 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
- Any police instructions/directions are complied with whenever given, and
- All instances of crime and disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point

#### **2. Door Supervisors.**

Where the condition is imposed on the provision of door supervisors the following may also be applied depending upon the circumstances affecting the premise

- (a) The Licensee will employ sufficient registered door staff to deal with any likely contingency.
- (b) Any employed door staff will wear a name badge as identification.
- (c) Each door supervisor will carry proof of his/her registration with the Security Industry Authority.
- (d) Door supervisors will be stationed at a location either inside or outside the premises and at times to be determined by the licensee as being appropriate.
- (e) If Door supervisors are required to undertake body searches then at least one female supervisor should be available to undertake the body searches of female customers.
- (f) Where door supervisors are required the Licensee will keep records showing the names of the supervisor and the date/time that they were employed.

#### **3. Bottle bans**

The licensee will ensure that:

- (a) No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
- (b) No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (Note: this will not include those customers carrying sealed bottles for the purposes of consumption off the premises i.e. at off-licences).

An exception to these conditions will be bottles containing wine sold 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.

#### **4. Plastic containers and toughened glass**

The licensee will ensure that only plastic or toughened glass containers will be used for the supply of beverages.

#### **5. CCTV**

The licensee will ensure that CCTV is installed following advice from the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice.

#### **6. Open containers not be taken from premises**

The licensee will ensure that no customers shall take glasses or open bottles from the premises.

#### **7. Restrictions on drinking areas**

The licensee will ensure that no alcoholic drinks will be consumed in the area marked (in red) on the plan (numbered.....) whilst activity is taking place.

#### **8. Proof of age cards**

The licensee shall introduce a policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 18. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

#### **9. Crime prevention notices**

The licensee will ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and leaving property unattended. The licensee will be directed over the provision of such notices by the Police crime prevention officer.

#### **10. Drinks promotions**

The licensee will not introduce or carry on any irresponsible sales promotion or irresponsible discounting of prices of alcoholic beverages.

#### **11. Signage**

The licensee will ensure that:

- (a) A sign indicating the normal hours during licensable activities are permitted to take place to be displayed on or immediately outside the premises.
- (b) Any restrictions of the admission of children to be displayed on or immediately outside the premises.

## **12. High Volume Vertical Drinking establishments (HVVD's)**

The licensee will ensure the adherence to

- A prescribed capacity
- An appropriate ratio of tables and chairs to customers based on the capacity
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit

## **13. Drugs**

The licensee will adopt the Leicestershire Constabulary's drugs policy.

## **14. Trading Late**

The licensee will adopt the Leicestershire Constabulary's searching policy and conditions of entry.

The licensee will adopt the Leicestershire Constabulary's risk assessment policy in respect of events.

## **CONDITIONS RELATING TO PUBLIC SAFETY (INCLUDING FIRE SAFETY)**

### **15. Disabled people**

The licensee will ensure that

- (a) When disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency.
- (b) Disabled people on the premises are made aware of those arrangements.

### **16. Escape routes**

The licensee will ensure the proper maintenance of all escape routes and exits including external exits. This will require that such exits are kept unobstructed, in good order with non slippery and even surfaces, free of trip hazards and clearly identified. In premises where chairs and tables are provided all internal gangways must be kept unobstructed.

The licensee will ensure that

- (a) All exit doors are easily openable without the use of a key, card, code or similar means.
- (b) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of such checks are kept.
- (c) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- (d) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
- (e) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (f) The edges of the treads of steps and stairways are maintained so as to be conspicuous.

#### **17. Safety checks**

The licensee will ensure

- (a) That safety checks are carried out before the admission of the public.
- (b) Details of such checks are kept in a log book.

#### **18. Curtains, hangings, decorations and upholstery**

The licensee will ensure that

- (a) Hangings, curtains and temporary decorations are maintained in a flame retardant condition.
- (b) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990.
- (c) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
- (d) Temporary decorations are not used without a review of the Fire risk assessment and prior notification to the Licensing Authority.

#### **19. Accommodation limits**

The licensee will ensure that any capacity limit imposed under this licence/certificate is not exceeded.

The person responsible for the day to day management of the premises should be aware of the number of people on those premises and required to inform any authorised person on request.

#### **20. Fire action notices**

The licensee will ensure that notices detailing the actions to be taken in the event of fire or other emergencies including how the fire brigade are summoned are prominently displayed and protected from damage and deterioration.

**21. Outbreaks of fire**

The licensee will ensure that the Fire Brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

**22. Loss of water**

The licensee will ensure that the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

**23. Access for emergency vehicles**

The licensee will ensure that access for emergency vehicles is kept clear and free from obstruction.

**24. First aid**

The licensee will ensure that

- (a) Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- (b) 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.

**25. Lighting**

The licensee will ensure that

- (a) In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- (b) Fire safety signs are adequately illuminated.
- (c) Emergency lighting is not altered.
- (d) Emergency lighting batteries are fully charged before the admission of public, members or guests.
- (e) 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 recharged; and, if the emergency lighting battery has a capacity of 3 hours, the appropriate period by the end of which the public should have left the premises is one hour.

**26. Temporary electrical installations**



The licensee will ensure that

- (a) Temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician.
- (b) Temporary electrical wiring and distribution system shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- (c) 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.

## **27. Indoor sports entertainments**

The licensee will ensure that

- (a) If necessary, an appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- (b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant.
- (c) At any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- (d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

## **28. 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 proposing the deletion of the condition relating to the public safety in question.

## **29. Special effects**

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience and performers and staff.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers
- Explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the licensing authority.

Conditions relating to theatres, cinemas, concert halls and similar places (promotion of public safety)

Premises used for closely seated audiences

### 30. Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out in 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	1
101-250	2
251-500	3
501-750	4
751-1000	5
And one additional attendant for each additional 250 (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant 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 any 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 any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

### 31. Standing and sitting in gangways

- (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 circumstance shall anyone be permitted to
- (i) Sit in any gangway
  - (ii) Stand or sit in front of any exit, or
  - (iii) Stand or sit on any staircase including any landings

### 32. Drinks

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

### **33. Balcony fronts**

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

### **34. Special effects**

Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE guide “the radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products)
- Explosives and highly flammable substances

In certain circumstances it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] fire authority.

### **35. Scenery**

Any scenery should be maintained as being flame retardant.

### **36. Safety curtain**

Where a safety curtain is provided it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for some sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material inherently or durably treated flame retardant fabric.

### **37. Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide whether a further inspection would be necessary and a certificate concerning the conditions of the ceilings forwarded to the Licensing Authority.

### **38. Seating**

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

Premises used for film exhibitions

**39. Attendance – 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	2
And one additional attendant for each additional 250 members of the audience present (or part thereof).	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

**40. Attendance – 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	2	1
501-1000	3	2
1001-1500	4	4
1501 or more	5 plus one for every 500 (or part thereof) persons over 2000 on the premises	5 plus one for every 500 (or part thereof) persons over 2000 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 effect or delay his response in an emergency situation
- (iii) A member of staff whose usual location when on duty is more than 60 metres from the location to which he is 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 observations all parts of the premises to which the audience have access.

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

**41. 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 CP1007(maintained lighting for cinemas).

**42. Flammable films**

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

**CONDITIONS RELATING TO PREVENTION OF PUBLIC NUISANCE**

**43. Hours**

- (a) Any appropriate restrictions on opening hours
- (b) Any appropriate restrictions when certain licensable activities can take place
- (c) Any appropriate restrictions on parts of the premises that might be used for certain licensable activities at certain times.

**44. Noise**

- (a) Noise impact assessment of the licensed activities at the premises must be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.
- (b) The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

For example

Activity	Control
Playing of amplified, pre-recorded music	Music shall only be played in the main function suite and shall go on no later than 23.30

- (i) A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. Once set such a device should be inaccessible to the licensee or her staff.
- (ii) All [external doors / windows] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place. Ventilation or air conditioning may be required in warm weather.

(iii) The [doors / windows] at [specify] shall be fitted with [double /secondary] glazing in order to improve the sound attenuation of the premises.

(iv) No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.

(vi) A [sound trap lobby / acoustic door / automatic door closer] shall be installed to [describe the location].

(vii) A scheme of soundproofing the [relevant parts] of the premises must be agreed with the licensing authority and the work completed to the licensing authorities satisfaction.

(viii) [Openings / specify] in the external fabric of the premises must be acoustically sealed to the satisfaction of the licensing authority.

(ix) An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.

(x) The specification, location and orientation of all permanently fixed speakers shall be agreed with the licensing authority.

(xi) No fireworks or other pyrotechnics shall be used other than with the prior consent of the licensing authority.

(xii) Noise from the premises shall not result in exceedences of the following noise levels expressed as[x minute Laeq] at [stated location];

Frequency Range	From a hours to b hours	From y hours to z hours
[Whole range]	x dBA	y dBA
[63Hz octave band]	x dBA	y dBA
[125 Hz octave band]	x dBA	y dBA

(xiii) Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.

(xiv) The [garden / patio] must not be used by customers after the hours of xx.xx.

(xv) The car park must be securely locked to prevent access to customers cars between xx.xx and yy.yy. Larger car parks to be managed to prevent disturbance particularly when they are adjacent to residential premises.

(xvi) Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between xx.xx and yy.yy

(xvii) Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between xx.xx and yy.yy.

(xviii) Staff must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

(xix) The licensee or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

(xx) No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.

(xxi) The [car park/ garden] shall be managed to ensure that it is not used for [ball games /skateboarding/ other noisy recreational activities].

(xxii) Acoustic screens/enclosures to be used to prevent the spread of noise from equipment.

(xxiii) External plant to be properly maintained to prevent mechanical deterioration.

#### **45. Litter and Waste**

An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority.

Such collections should also be carried out at reasonable hours of the day.

The licensee shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

#### **46. Lighting**

Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the local Police force to prevent crime and disorder.

#### **47. Noxious smells**

The licensee shall endeavour to ensure that there are no noxious smells emitted from the licensed premise so as to cause a nuisance to nearby properties and that the licensed premise is properly vented.

### **CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

#### **Access for children to licensed premises – in general**

48. Children under the age of 18 years shall not be permitted to licensed premises where there has been a known association (having been presented with evidence) with or likely to give rise to:

Heavy or binge or under age drinking

Drugs

Significant gambling

Any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature



49. No child under the age of 12, unaccompanied by an adult, shall be allowed in a premises after 11.00pm to which the public have access after that time but alcohol is not being sold for consumption on the premises.

### **Age restrictions – specific**

50. The hours of the day during which age restrictions should and should not apply.
51. Types of event or activity in respect of which no age restrictions may be needed
52. Types of event or activity which give rise to a more acute need for age restrictions than normal.

### **Age restrictions – cinemas**

53. Films should be classified in the following way:

U – Universal. Suitable for audiences age 4 years and over.

PG – Parental Guidance. Some scenes may be unsuitable for young children.

12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 – Passed only for viewing by persons aged 15 years and over.

18 – Passed only for viewing by persons aged 18 years and over.

54. The licensee must ensure that 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 5 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.

### **Theatres – performances especially for children**

55. 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.

In cases of an event involving a significant number of unaccompanied children, the licensee should have a child protection policy in place to carry out suitable checks on staff before they take up employment.

### **Children in performances**

56. In addition to the requirements of the Children (Performances) Regulations 1968, as amended the licensee shall ensure that with regard to the:-

venue – the back stage facility should be large enough to accommodate safely the number of children taking part in any performance.

Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.

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 in the case of 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 or 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: practice on the naming, packaging and promotion of alcoholic drinks

The Portman Group was set up in 1989 by the UK's leading drinks producers and its purpose is

- To promote responsible drinking
- To help prevent misuse of alcohol
- To encourage responsible marketing
- To foster a balanced understanding of alcohol related issues.

60 The licensee shall comply with the Portman Group's retailer alert bulletins.

**Notes:**

- (i) These conditions shall be read in conjunction with the "Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Act issued in October 2014".
- (ii) The conditions shall not be regarded as "standard conditions" which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions which may need to be attached to Premises Licences and Club Premises Certificates depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
- (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to Premises Licences and Club Premises Certificates to meet individual circumstances.
- (iv) Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the Licensing Objectives.
- (v) When incorporated into a Premises Licence or Club Premises Certificate, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution.

