

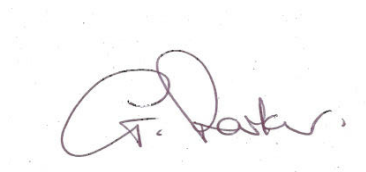


LICENSING SUB-COMMITTEE

To: Councillors Pacey, Lowe, Popley and Capleton*
**Cllr Capleton is the Reserve Member*
(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, 2nd July 2019 at 10.00 am for the following business.



Chief Executive

Southfields
Loughborough

13th June 2019

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. THE MOORINGS, 14 BRIDGE STREET, BARROW UPON SOAR, LEICS LE12 8PN 3 - 175

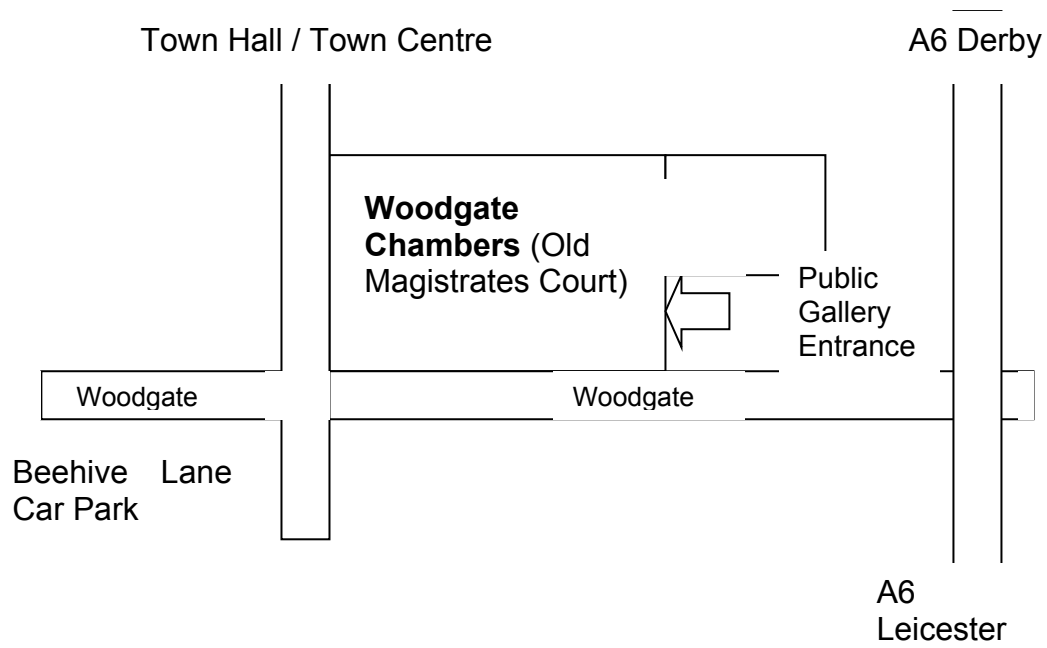
Licensing Act 2003 - To consider an application for a variation of a premises licence for The Moorings, 14 Bridge Street, Barrow upon Soar, Leics LE12 8PN.

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 variation of a Premises Licence:**
The Moorings, (formerly known as The Boat House Inn) 14
Bridge Street, Barrow on Soar, Leicester, LE12 8PN

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

1. **PURPOSE OF THE REPORT**

This report provides information for Members about a variation application made for The Moorings (formerly known as The Boat House Inn), 14 Bridge Street, Barrow upon Soar, Leicester, LE12 8PN under the Licensing Act 2003. The report is to assist Members in determining the outcome of the variation application. It summarises the representations received, highlights the licensing objectives, the relevant parts of the Licensing Act 2003 Guidance and Regulations and the relevant sections of Charnwood Borough Council’s Licensing Policy.

2. **BACKGROUND**

The Moorings (formerly known as The Boat House Inn) 14 Bridge Street, Barrow upon Soar, Leicester, LE12 8PN has held a premises licence since July 2005. The licence was transferred to Barrow upon Soar Pubs Ltd on the 25th April 2019 and there was a variation of the Designated Premises (DPS) to Mr Nigel Pinegar on the 17th May 2019. The premises changed its name at this time to that of The Moorings. The premises licence (**PREM4808**) is attached at **Appendix 1**.

3. **CURRENT APPLICATION**

The application to vary the premises licence was submitted by Barrow upon Soar Pubs Ltd (Applicant) on 10th May 2019.

The purpose of the application was to change the name to that of the Moorings (the name of the premises had been changed at the same time as the variation of the Designated Premises Supervisor), to bring the outside area in line with the same sale of alcohol hours as the inside of the premises and to update the internal plan to show the new layout.

A copy of the application is attached at **Appendix 2**.

The application was advertised in accordance with the provisions of the Licensing Act Regulations 2005. A copy of the required blue notice and newspaper advertisement is attached at **Appendix 3**.

This application for the variation of the Premises Licence was made under Section 34 of the Licensing Act 2003 for the following:

Current Licence	Variation applied for
Playing of Recorded Music – (indoors) Monday to Sunday 11.00 to 00.00, Christmas Eve until 01.00 the following day.	Playing of Recorded Music - (indoors) Friday to Saturday 11.00 to 01.00.
Recorded Music - (outdoors) Saturday from 12.00 to 21.00 and Sunday from 12.00 to 18.00.	The application requests no variation for the outdoors as the premises, under deregulation of the Live Music Act 2012 can have recorded music between 08.00 and 23.00 in an on-licensed premises, provided the audience does not exceed 500. Effectively removing what is currently shown on the licence document for recorded music externally.
Sale of Alcohol – indoor (on and off sales only) – Monday to Friday 11.00 to 00.00, Saturday and Sunday 11.00 to 01.00 Christmas Eve until 01.00 the following day.	Supply of Alcohol – (indoors and outdoors) – Sunday to Thursday 11.00 to 00.00, Friday and Saturday 11.00 to 01.00. Christmas Eve until 01.00 the following day, New Year’s Eve until 01.00 the following day. *
Late Night Refreshment – None	Late Night Refreshment - (Indoors and Outdoors) Sunday to Thursday 11.00 to 00.00, Friday and Saturday 11.00 to 01.00.
Ent of Similar Description to Regulated Entertainment (Live Music, Recorded Music and Performance of Dance) – Indoors – Monday to Sunday 11.00 to 00.00	The application requests no variation.
Performance of Live Music – (Indoors) – Monday to Sunday 11.00 to 00.00. August Bank Holiday Charity day outside live music which finishes at 21.00. Christmas Eve until 01.00 the following day.	The application requests no variation for live music indoors.
Live Music - (outdoors) Saturday from 12.00 to 21.00 and Sunday from 12.00 to 18.00.	The application requests no variation for the outdoors as the premises, under deregulation of the Live Music Act 2012 can have live unamplified music between 08.00 and 23.00. The premises can also have Live amplified music between 08.00 and 23.00 provided the audience does not exceed 500.
Exhibition of Films - (indoors) Monday to Sunday from 12.00 to 23.00	The application requests no variation for films indoors.
Exhibition of Films - (outdoors) – None	Exhibition of Films - (outdoors) – Monday to Sunday 12.00 to 23.00 limited to Summer months. **
Performance of Dance - (outside only) Saturday from 12.00 to 21.00	The application requests no variation.

* Applicant confirmed in an email dated 9th May 2019 at 13.53 that he does not require the seasonal variation specified in section M (alcohol) adding to all other licensable activities.

** Applicant confirmed in an email dated 8th May 2019 at 12.48 that the 'summer months' specified in Section B (Films) are May to September.

Representations

Thirteen representations have been received from Local residents.

Representations have been made on the grounds of the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

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

Additional Information

Beverley Green, Environmental Protection Manager at Charnwood Borough Council suggested a number of conditions to promote the prevention of public nuisance and minimise any unreasonable disturbance/noise to local residents. The applicant has agreed to three of the four recommended conditions detailed in the email dated Thursday 23rd May 2019.

The written agreement and details of the conditions can be found in **Appendix 5**.

Parties

The Parties to the hearing will be:

- a) The Applicant, Barrow upon Soar Pubs Ltd.
- b) Interested Parties – Local Residents

4. FOR CONSIDERATION

The areas for consideration by the Sub-Committee are:

- The application for a variation of a Premises Licence;
- The representations received from the local residents,
- Whether or not the application should be varied and
- The conditions to be attached to the varied 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 is 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 regard to the representations, Members must consider whether to take such of the following steps as it considers appropriate for the promotion of the Licensing Objectives;

- to modify the conditions of the licence;
- to reject the whole or part of the application;

and for this purpose the conditions and the licence are modified if any of them are altered or omitted or any new condition is added.

Otherwise members must grant the application.

Appendix 8a) – Plan of the premises showing the area intended to be used for licensable activity.

Appendix 8b) – Location plan showing the local area.

Charnwood Borough Council

Part A

Premises licence number

PREM4808

Part I – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Moorings 14 Bridge Street	
Post town Barrow Upon Soar	Post code LE12 8PN
Telephone number -	


<p>Alan Twells Head of Regulatory Services Friday, 17 May 2019</p>

Licensable activities authorised by the licence
<p>Playing of Recorded Music Sale of Alcohol Ent. of a Similar Description to Regulated Entertainment Performance of Live Music Exhibition of Film Performance of Dance</p>

The times the licence authorises the carrying out of licensable activities	
<p>Playing of Recorded Music (Recorded music externally)</p>	<p>Monday to Sunday from 11:00 to 00:00 Christmas Eve until 01:00 the following day (Saturday from 12:00 to 21:00 and Sunday from 12:00 to 18:00)</p>
<p>Sale of Alcohol</p>	<p>Monday to Friday from 11:00 to 00:00 Saturday and Sunday from 11:00 to 01:00 Christmas Eve until 01:00 the following day</p>
<p>Ent. of a Similar Description to Regulated Entertainment (Live Music, Recorded Music and Performance of Dance)</p>	<p>Monday to Sunday from 11:00 to 00:00</p>

Performance of Live Music	Monday to Sunday from 11:00 to 00:00, August Bank Holiday Charity Day outside live music that finishes at 21:00 Christmas Eve until 01:00 the following day
(Live Music externally)	(Saturday from 12:00 to 21:00 and Sunday from 12:00 to 18:00)
Exhibition of Films	Monday to Sunday from 12:00 to 23:00
Performance of Dance (outside)	Saturday from 12:00 to 21:00

The opening hours of the premises

Monday : 11:00 to 00:30
Tuesday : 11:00 to 00:30
Wednesday : 11:00 to 00:30
Thursday : 11:00 to 00:30
Friday : 11:00 to 00:30
Saturday : 07:00 to 01:30
Sunday : 07:00 to 01:30

Extended on Christmas Eve until 01:00 the following day

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

ON/OFF

Part 2

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

Name: Barrow Upon Soar Pubs Ltd
Address: Re: The Moorings
1110 Elliott Court
Coventry Business Park
Coventry
West Midlands
Postcode: CV5 6UB
Telephone: 0116 2592265

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

11763196

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

Name: Nigel Pinegar
Address: Re: The Moorings
169 Cropston Road
Anstey
Leicester
Postcode: LE7 7BR

Telephone:

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

Licence No: 05NP-34UD-K9G4-LL7W

Issuing Authority: East Northants Council



ANNEX 1

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

1. 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.”

ANNEX 2 – OPERATING SCHEDULE CONDITIONS

GENERAL

This licence is subject to the conditions and undertakings contained in the attached copy of the operating schedule.

PREVENTION OF CRIME & DISORDER

The over 21 and ID checks are carried out by all staff to ensure no under age drinkers are served. CCTV is in operation within the lounge / Bar area with signs stating this to reduce any disorder.

PUBLIC SAFETY

All staff are trained on the evacuation procedure in the case of fire. Fire extinguisher and emergency lighting is checked annually. No smoking facilities are available.

PREVENTION OF PUBLIC NUISANCE

A notice in the main entrance asking customers to leave quietly. Kitchen extractors are cleaned weekly to reduce the impact of cooking smells on neighbours.

PROTECTION OF CHILDREN FROM HARM

Photo ID is required by anyone who appears to be under 21 years of age attempting to purchase or consume alcohol. Children must be supervised at all times, notice is near the river.

ENVIRONMENTAL HEALTH CONDITIONS

1. Due to the residential nature of neighbouring properties the level of sound amplification during periods of regulated entertainment shall be limited and controlled such that sound is not audible beyond the site boundary.
2. The specification, location and orientation of all external speakers shall be agreed with the licensing authority prior to any regulated entertainment. Ideally this shall be away from residential properties.
3. Finishing times shall be strictly adhered to with no live amplified music or speech after 21:00 on Saturday and 18:00 on Sunday.
4. The licensee or a nominated representative shall receive and respond positively to complaints throughout the duration of all noisy events.

5. In the event of any substantiated noise complaints about the premises 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 be submitted and agreed with the licensing authority and should include a commitment that 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.

ANNEX 3 – LICENSING COMMITTEE CONDITIONS

None.

ANNEX 4 – PREMISES PLAN

The plans relating to the Premises Licence are referenced as;

JH/THE MOORINGS/PREM4808/17.05.2019



Charnwood Borough Council

Part B


Premises Licence Summary

Premises licence number

PREM4808

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Moorings 14 Bridge Street	
Post town Barrow Upon Soar	Post code LE12 8PN
Telephone number -	


Alan Twells Head of Regulatory Services Friday, 17 May 2019

Licensable activities authorised by the licence
Playing of Recorded Music Sale of Alcohol Ent. of a Similar Description to Regulated Entertainment Performance of Live Music Exhibition of Films Performance of Dance

The times the licence authorises the carrying out of licensable activities	
Playing of Recorded Music (Recorded music externally)	Monday to Sunday from 11:00 to 00:00 Christmas Eve until 01:00 the following day (Saturday from 12:00 to 21:00 and Sunday from 12:00 to 18:00)
Sale of Alcohol	Monday to Friday from 11:00 to 00:00 Saturday and Sunday from 11:00 to 01:00 Christmas Eve until 01:00 the following day

Ent. of a Similar Description to Regulated Entertainment (Live Music, Recorded Music and Performance of Dance)	Monday to Sunday from 11:00 to 00:00
Performance of Live Music	Monday to Sunday from 11:00 to 00:00, August Bank Holiday Charity Day outside live music that finishes at 21:00 Christmas Eve until 01:00 the following day
(Live music externally)	(Saturday from 12:00 to 21:00 and Sunday from 12:00 to 18:00)
Exhibition of Films	Monday to Sunday from 12:00 to 23:00
Performance of Dance (outside)	Saturday from 12:00 to 21:00

The opening hours of the premises

Monday : 11:00 to 00:30
Tuesday : 11:00 to 00:30
Wednesday : 11:00 to 00:30
Thursday : 11:00 to 00:30
Friday : 11:00 to 00:30
Saturday : 07:00 to 01:30
Sunday : 07:00 to 01:30

Extended on Christmas Eve until 01:00 the following day

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

ON/OFF

Name, (registered) address of holder of premises licence

Name: Barrow Upon Soar Pubs Ltd
Address: Re: The Moorings
1110 Elliott Court
Coventry Business Park
Herald Avenue
Coventry
West Midlands
Postcode: CV5 6UB

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

11763196

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

Name: Nigel Pinegar

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

See attached Conditions



Charnwood

APPENDIX 2

accepted
10th May 19
~~07 MAY 2019~~

Application to vary a premises licence 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 BARROW UPON SOAR PUBS LTD
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PREM4808
-------------------------	----------

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
14 BRIDGE STREET BARROW UPON SOAR			
Post town	LEICESTER	Postcode	LE12 8PN

Telephone number at premises (if any)	/
Non-domestic rateable value of premises	£9954.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town	LEICESTER	Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

- ① TO CHANGE THE NAME OF THE PREMISES FROM THE BOAT HOUSE TO THE MOORINGS.
 - ② TO BRING THE OUTSIDE AREA IN LINE WITH THE SAME SALE OF ALCOHOL HOURS AS THE INSIDE OF THE PREMISES
 - ③ TO UPDATE THE INTERNAL PLAN TO SHOW NEW LAYOUT (INCLUDING KITCHEN ALTERATIONS).
- * ALL EXITS REMAIN AS EXISTING
THE PREMISES HAS NOT BEEN EXTENDED OR INCREASED CAPACITY (REFURBISHMENT).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) 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

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

N/A

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) IRREGULAR OCCASIONAL DAYS		
Mon	12:00	23:00			
Tue	12:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 6) LIMITED TO SUMMER MONTHS, OUTSIDE		
Wed	12:00	23:00			
Thur	12:00	23:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

NO CHANGE TO CURRENT LICENCE .

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

N/A.

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

N/A

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> LIVE MUSIC INDOORS 11:00 – 00:00 AS PER CURRENT LICENCE					
Mon	11:00	00:00						
Tue	11:00	00:00						
Wed	11:00	00:00				<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Thur	11:00	00:00				<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri	11:00	00:00						
Sat	11:00	00:00						
Sun	11:00	00:00						

NO CHANGE TO CURRENT LICENCE.

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11:00	00:00			
			BACKGROUND MUSIC		
Tue	11:00	00:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	11:00	00:00			
Thur	11:00	00:00	Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

N/A

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<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> (please read guidance note 7)		
Sun					

N/A

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11:00	00:00			
Tue	11:00	00:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed	11:00	00:00			
Thur	11:00	00:00			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) CHRISTMAS EVE UNTIL 01:00 THE FOLLOWING DAY. NEW YEARS EVE UNTIL 01:00 THE FOLLOWING DAY.		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

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 10).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	00:30	CHRISTMAS EVE UNTIL 01:30 THE FOLLOWING DAY
Tue	09:00	00:30	NEW YEARS EVE UNTIL 01:30 THE FOLLOWING DAY
Wed	09:00	00:30	
Thur	09:00	00:30	
Fri	09:00	01:30	
Sat	09:00	01:30	
Sun	09:00	00:30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

ALL STAFF TO BE TRAINED ON CHALLENGE 21
REFUSAL LOG TO BE IN PLACE.
STAFF & MANAGEMENT TO BE DILIGENT - GARDEN
AREA TO BE MANNED ON BUSY DAYS.

b) The prevention of crime and disorder

INSTALLATION OF AN INTRUDER ALARM
INSTALLATION OF CCTV CAMERA'S TO THE
INTERNAL & EXTERNAL OF THE PREMISES
TO COVER EXITS, TILLS, CARPARK, CORRIDOR TO
TOILETS & GARDEN.

c) Public safety

REPLACED FENCING, CARPARK | GARDEN BARRIER,
CCTV TO PREMISES, UPGRADED FIRE ALARM SYSTEM,
HAZARD ANALYSIS & SITE SPECIFIC R.A'S TO
BE COMPLETED.
FIRST AID TRAINING FOR MGT & ACCIDENT BOOK.

d) The prevention of public nuisance

STAFF TRAINING, CCTV, DILLIGENCE.
EMPTY BOTTLE BINS IN MORNING (NOT AFTER 11PM)
RE-LINE CARPARK TO MAXIMISE SPACES.
CLOSE GARDEN | BAR AT 23:00

e) The protection of children from harm

CHALLENGE 21 IN PLACE & ALL STAFF
FULLY TRAINED + REFUSAL LOG IN PLACE.
ENCLOSED | FENCED AREA IN GARDEN TO
AVOID CHILDREN RUNNING INTO CARPARK.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

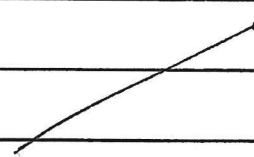
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	28/04/19
Capacity	DIRECTOR

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town	LEICESTER	Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

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

APPENDIX 3

Type of Application	Full variation – Change of name, Minor premises alteration as per the plan.
Name of Applicant	Barrow Upon Soar Pubs Ltd
Premises Name	The Moorings
Address of Premises	14 Bridge Street, Barrow Upon Soar, Leicester, LE12 8PN
Types of activity to be licensed & Times	Films: Monday to Sunday 12:00 to 23:00 (Indoors and Outdoors) Limited to Summer months (May to September). Live Music: Monday to Sunday 11:00 to 00:00 (Indoors) Recorded Music: Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00 (Indoors). Late Night Refreshment: Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00 (Indoors & Outdoors). Supply of Alcohol: Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00 (On and Off the premises) Christmas Eve until 01:00 the following day and New Years Eve until 01:00 the following day.

Dated: Friday 10th May 2019

Any objections in respect of the application should be made in writing to: Licensing Manager, Charnwood Borough Council, Council Offices, Southfield Road, Loughborough, Leicester, LE11 2TX, and must be made by the following date: 7th June 2019.

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: www.charnwood.gov.uk.

hours and 06:00 hours and is expected to start on Friday 31 May 2019 and continue for a week. The layby closures will be in operation from 13:00 hours on Friday 31 May 2019 and will continue for 24 hours per day for the duration of the works. The Order will come into force on 24 May 2019.

Vehicles being used for police, fire and rescue authority, ambulance or traffic officer purposes, and vehicles being used in connection with the works will be exempt from the closures and prohibitions. Access to properties will be maintained at all times.

Diversion routes via Groby Road, Kirby Road, Station Road, the A50, Wanlip road, the A607 and alternative junctions of the M1 will be signed. Local diversion routes will also be in operation.

For more information please contact: Samantha Bellanoff, a Project Manager on behalf of Highways England Company Limited, on 07808 395 769.


Karen Eustace, an Officer in Highways England Company Limited.

Highways England Company Limited
 (Company No. 9346363) registered office: Bridge House, Walnut Tree Close, Guildford, GU1 4LZ.
 A Company registered in England and Wales.

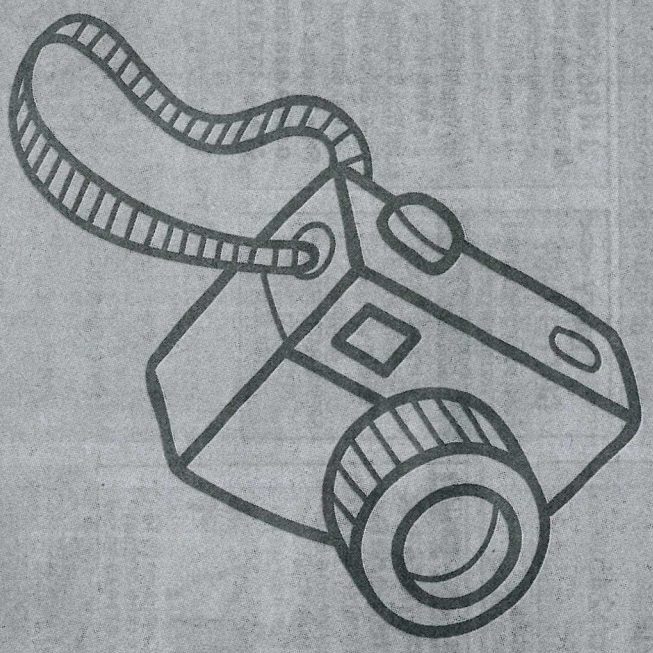
**LICENSING ACT 2003
 FOR A PREMISES LICENCE**

NOTICE IS HEREBY GIVEN that Barrow Upon Soar Pubs Ltd of The Moorings 14 Bridge Street, Barrow Upon Soar, Leicester, LE12 8PN has made an application for a Premises Licence for Films; Monday to Sunday 12:00 to 23:00 (indoors and Outdoors) Limited to Summer months (May to September); Live Music; Monday to Sunday 11:00 to 00:00 (indoors) Recorded Music; Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00 (indoors); Late Night Refreshment; Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00 (indoors & Outdoors); Supply of Alcohol; Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00 (On and Off the premises) Christmas Eve until 01:00 the following day and New Years Eve until 01:00 the following day.

Any objections in respect of the application should be made in writing to Licensing Manager, Charnwood Borough Council, Council Offices, Southfield Road, Loughborough, Leicester, LE11 2TX, and must be made by the following date: 7th June 2019. 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 £3000.00. Guidance for making objections can be found at: www.charnwood.gov.uk
 Date: Friday 10th May 2019



Self-Serve online
marketplacelive.co.uk

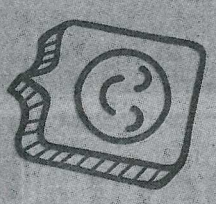


People are more likely to see your advert with a **photo**

marketplacelive.co.uk
 Your local place to buy and sell

Find an out of this world **bargain** online

marketplacelive.co.uk
 Your local place to buy and sell



Local pick up, what a great idea

marketplacelive.co.uk

Adult Service 18+

Adult Chat Line

CHEAT BABE CHAT
 35 ENJOY YOURSELF
 GIRLS AT HOME
 0909 864 105

Service by Textline UK Ltd. Offer ends 31st March 2019. 18+ only. 10p per minute. Call charges apply. Call charges apply. Call charges apply. Call charges apply. Call charges apply.

31 MAY 2019



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).....Joyce.....Allison.....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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <i>THE MARTINKIS</i>	
Post Town <i>BARROW-UPON-SOAR</i>	Post Code <i>LE12 8PN</i>
Name of premises licence holder or club holding club premises certificate (if known)	
Number of premises licence or club premise certificate (if 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, Re)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address	11 BRIDGE STREET BARROW-UPON-SOAR		
Post Town	LOUTHBOROUGH	Post Code	LE12 5PA

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)

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

Please Tick ✓

-
-
-
-

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

The Prevention of Crime and Disorder

Damage to cars / property late at night.

Public Safety

The Prevention of Public Nuisance

Noise in early hours disrupting sleep. (Personnel)
Walking home and collecting cars.

The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

It is disturbing that the place is open and trading under the new name and extended hours according to facebook page weeks prior to the hearing.

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		Date	28/5/2019
Capacity	NEIGHBOUR		

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.

-7 JUN 2019

Licensing Manager
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
LE11 2TX

Dr P Beckett
1 Adkins Court
Barrow upon Soar
LE12 8GZ

5th June 2019

Dear Sirs,

The Moorings, 14 Bridge Street, Barrow upon Soar

With reference to the variation of the premises licence alteration for the Moorings public house I wish to object on the following grounds:

- Projection of films outside the premises 12.00 to 23.00 in the summer months may lead to unacceptable noise to nearby residents eg where crowds may gather outside to cheer on football matches. Film projection should not be permitted outside
- Live music (indoors) should be limited to 11.00 pm and there should be a restriction to have all doors and windows shut to prevent disturbance to nearby residents
- Supply of refreshments and alcohol should be limited to 11.00 pm and be restricted to indoors after 9.00 pm again to prevent resident being disturbed. The proposed sale of alcohol to 12.00 Sunday to Thursday and 1.00am Friday to Saturday is totally unacceptable and will likely lead to inebriated customers possibly causing excessive noise and poor behavior. This could extend around the village as customers make their way home.

I would like it to be noted that the previous owners had outdoor music during the summer months at which live music was and this led to noise disturbances quite a distance away from the pub (as the sound of the music travelled a great distance to properties at a greater height to the pub). This prevented quiet summer afternoons at the weekends for many residents.

Yours faithfully,

Dr P Beckett

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) MR ADRIAN & MRS JUNE BOND 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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <u>THE TLOORINGS,</u> <u>14 BRIDGE STREET</u>	
Post Town <u>BARROW-UPON-SOAR</u>	Post Code <u>LE 12 8PN</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>NIGEL PINEGAR BARROW-UPON-SOAR PUBS LTD.</u>
--

Number of premises licence or club premise certificate (if 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, Re)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address	5 CROSSLEY CLOSE BARROW-UPON-SOAR		
Post Town	LOUGHBOROUGH	Post Code	LE12 8DL

Daytime contact telephone number

HOME -
MOBILE -

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
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

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

The Prevention of Crime and Disorder

DRUNKEN BEHAVIOUR WHEN LEAVING
PREMISES 11-55pm FRIDAY 31ST MAY
AND 00-30 SATURDAY 1ST JUNE.

Public Safety

REVELLERS RUNNING DOWN BRIDGE
STREET IN THE MIDDLE OF THE
ROAD - ABUSIVE TO MOTORISTS

The Prevention of Public Nuisance

FRIDAY 31ST MAY - 8 CARS PARKED,
PARKING IN CROSSLEY CLOSE, NOISE OF
PATRONS WHEN LEAVING, SHOUTING, LAUGHING,
SHRIEKING AS IF IT WAS MIDDLE OF DAY.
PATRONS SITTING ON SEAT AT BOTTOM OF
CLOSE VOMITTING.

The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

HAS THIS ESTABLISHMENT ALREADY
BEEN GIVEN A LIQUOR LICENCE?

IF SO WHY IS THIS APPLICATION THERE
TO BE QUERIED?

WE UNDERSTOOD WHEN THE ESTABLISHMENT
OPENED WHIT BANK HOLIDAY IT WAS
TO SERVE SOFT DRINKS - A NEIGHBOUR
VISITED 'THE MOORINGS' AND PURCHASED
BEER & WINE.

IT WAS OBVIOUS SAT. 1ST JUNE THAT
PATRONS WERE RUNNING DOWN THE
ROAD ITSELF AFTER CELEBRATING FOOTBALL
WIN BECAUSE THEY KNEW THEY
COULD DRINK FOR ANOTHER TWO HOURS!

FRIDAY 31ST MAY 8 EXTRA CARS UP
CROSSKEY CLOSE. BRIDGE STREET LINED
WITH CARS!

IS IT NECESSARY TO HAVE SUCH LATE
HOURS OF OPENING IN A VILLAGE?

ARE WE AS RESIDENTS EXPECTED TO LIVE
WITH WINDOWS/DOORS CLOSED ON WARM EVENING
BECAUSE OF NOISE

Please
Tick ✓

Have you made any representation relating to these premises before?

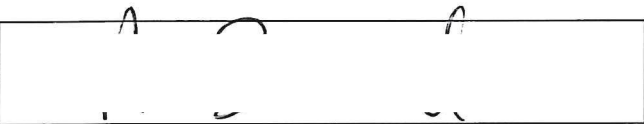
If Yes, please state the date of that representation

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		Date	4/6/19.
Capacity	RESIDENT OF CROSSKEY CLOSE		

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.

22 MAY 2019

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) Daniel and Becky Copenan 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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description The Moorings 14 Bridge Street	
Post Town Barrow upon Soar	Post Code LE12 8QL

Name of premises licence holder or club holding club premises certificate (if known) The Moorings / Nigel Pinegar

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please 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	11 CROSSLEY CLOSE		
Post Town	BARROW UPON SOAR	Post Code	LE12 8QL

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 type="checkbox"/> |

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

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance The request to open beyond the hours of other local pubs will attract everyone to this small part of the village late at night. Surrounding area is full of young families and the retired. This sort of establishment belongs in a town not a country village. I personally object to it being open, or the playing of films, live or recorded music beyond 11pm. More details on the following page.
The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

In the summer months the old owners used to play loud music and the noise really travels, it used to stop my 2 year old getting to sleep. To think of someone granting permission to a new tenant to do that more often and later would make me want to move.

The previous pub was known to attract a 'certain type' of person, increasing the opening hours when other local pubs are shut is going to attract everyone to that pub. There is also insufficient parking which if other pubs are closed they will park in the surrounding streets which includes mine.

I feel that granting permission for the extra events and opening past 11pm is not something that belongs in a village. I think the extra noise would have a seriously negative impact on the lives of all those living in the surrounding streets including myself, that is why I object. I think the location of the pub in a quiet countryside village needs to be respected and everything should be done to make sure the pub has to fit in with the area in which it resides, not the other way around.

Please
Tick ✓

Have you made any representation relating to these premises before?



If Yes, please state the date of that representation


Day		Month		Year			
1	0	0	5	2	0	1	0

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

I sent a letter in directly on the date listed above. I then recieved this form in the mail asking me to complete this instead, as a normal letter was not the correct format for an objection.

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	20/05/19
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)

Details all on page 2

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.

14 MAY 2019

11 Crossley Close
Barrow Upon Soar
Loughborough
Leicestershire
LE12 8QL

10/05/19

Licensing Manager
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
Leicester
LE11 2TX

Applicant & Premises Name: Nigel Pinegar (The Boat House to be renamed The Moorings)

To whom it may concern,

I object to the planning application for The Moorings pub at number 14 Bridge Street, Barrow Upon Soar, Leicestershire, LE12 8PN.

The planning application states that they would have permission to play films (summer months) and live and recorded music until 00:00 from Sunday-Thursday and until 01:00 on a Friday and Saturday. We live in a village and **NOT** a town or city and we really feel that this will have a seriously negative impact on our lives and the lives of others in the surrounding area.

The previous owners of the pub sometimes played live or loud music occasionally on special events and the sound carries a long way. Directly behind this pub is our cul de sac which is full of families and retired occupants. None of them would appreciate this constant noise pollution in such a quiet and countryside village. The noise created on the rare occasions in the past has seriously disturbed the sleep of my 2 year old son. I assume there was no investment in sound proofing by the previous owners as when they chose to do it, it was very disruptive. Luckily this was very rare with the previous owners and never went on as late as is being suggested in the new planning application. I think the location of the pub needs to be respected and a quiet village full of the retired and families is not the place for recorded or live music late into the evenings, weekends or weekdays. We all live in Barrow to enjoy the quiet, peaceful village life. We think passing this planning permission will affect the enjoyment of our family home that we have owned for the past 5 years, we chose to live

in a village to avoid the loud disturbances and continuous disruption associated with the nightlife of towns or cities.

In view of this, I would be grateful if you would consider our concerns in relation to the proposed planning application, as we think the suggested plan for live and recorded music every night of the week until midnight or 1am is completely unacceptable. Just the opening hours is going to attract noise and clientele later into the night that I think should be allowed in a country village like ours.

We hope for your cooperation in this matter.

Yours sincerely

Dan Copeman



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)..... MARION GODWIN..... 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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
<u>THE MOORINGS</u> <u>14 BRIDGE STREET</u> <u>BARROW UPON SOAR</u>	
Post Town	Post Code
<u>LOUGHBOROUGH</u>	<u>LE12 8PN</u>

Name of premises licence holder or club holding club premises certificate (if known)
<u>BARROW UPON SOAR PUBS LTD.</u>

Number of premises licence or club premise certificate (if known)

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

Please
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	8 CROSSLEY CLOSE BARROW UPON SOAR		
Post Town	LOUGHBOROUGH	Post Code	LE12 8QL

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 type="checkbox"/> |

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

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance REFERENCE TO THE APPLICATION FOR LATE NIGHT OPENING HOURS AND MUSIC LICENSE.
The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

The pub is situated near to a residential area and residents will be greatly affected by loud music, both indoors and outdoors, late at night.

I am also concerned by the lack of parking at the premises. The pub itself has extremely limited parking due to its location next to the river. There is also a lack of public carparking in the village as a whole. This means people wishing to visit the pub, park on our residential street. This causes inconvenience and will create a noise issue if people are leaving the pub late at night.

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		Date	25.05.19
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.

8 Crossley Close
Barrow upon Soar
LEICS
LE12 8QL

15 MAY 2019

Licensing Manager
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
LEICS
LE11 2TX

12 May 2019

Dear Sir or Madam

Re: Licensing Application by Barrow Upon Soar Pubs Ltd in relation to The Moorings, 14 Bridge Street, Barrow Upon Soar LE12 8PN

I am writing to express my concerns in relation to the above licensing application, with particular reference to the late night opening hours and music license. The pub is situated near to a residential area and residents will be greatly affected by loud music, both indoors and outdoors, late at night.

I am also concerned by the lack of parking at the premises. The pub itself has extremely limited parking due to its location next to the river. There is also a lack of public carparking in the village as a whole. This means that people wishing to visit the pub park on our residential street. This causes inconvenience and will create a noise issue if people are leaving the pub late at night.

I hope that these concerns will be taken into consideration when you are looking at the licensing application for The Moorings.

Yours faithfully

Marion Godwin

-7 JUN 2019

4 Bridge Street,
Barrow-upon-Soar,
Loughborough.

LE4 8PN

4th June 2019

Licensing Manager,
Charnwood Borough Council,
Southfield Road,
Loughborough.

Dear Sirs,

Re: Variation of Licence – Barrow upon Soars Pubs Ltd., The Moorings

We are writing to object to some parts of the above application dated 10.05.10. The extended hours which the applicant is asking for would significantly harm the nature of the residential area surrounding this village Public House. We have lived at our current address happily for almost 20 years, close to two public houses and a restaurant without any problems.

The activities we are objecting to are the plan to stay open until 12.00 midnight every night, including serving food until closing. This will mean customers could still be eating well after closing. In addition music, both live and recorded until 12 midnight on weekdays is unreasonable in a residential area. Live and recorded music until 1 am every Friday and Saturday is also unreasonable – it seems like an attempt to change what has in the past been a pleasant village pub into a night club! What will be their next step ? Do we really need a nightclub in Barrow-upon-Soar ?

Apart from the possibility that granting this application in full would mean no escape from loud noise, particularly when doors and windows (in The Moorings) will probably be open, the noise from the extra traffic at between 1.00 and 2.00am will be a significant nuisance every single weekend!

We do not object to the proposed extensions on Christmas Eve and New Year's Eve, and would accept that it would be reasonable to have special licences on a specific number of days a year – say 1 each month.

Yours faithfully,



T.C. Jarvis

C.A. Jarvis

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

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I/We (Insert name)..... STEVE & JENNY MAWwish 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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <u>THE MOORINGS 14 BRIDGE STREET BARROW-UPON-SOAR LEICS LE12 8PN</u>	
Post Town <u>BARROW-UPON-SOAR</u>	Post Code <u>LE12 8PN</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>THE MOORINGS</u>

Number of premises licence or club premise certificate (if known) <u>NOT KNOWN</u>

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="13 CROSSLEY CLOSE"/>		
Post Town	<input type="text" value="BARROW-UPON-SOAR"/>	Post Code	<input type="text" value="LE12 9DL"/>

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)

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance Excessive Noise late at NIGHT / EARLY MORNING PARKING IN OUR CLOSE becomes bordering dangerous at busy times, plus excess noise when cars collected
The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

Please
Tick ✓

Have you made any representation relating to these premises before? *ns*

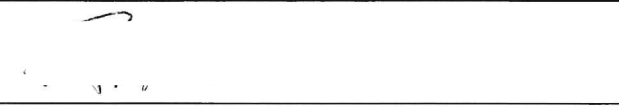
If Yes, please state the date of that representation

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	16/5/2019
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.

NB. Apologies for writing, awaiting hand/wrist operation next Wednesday.

14 MAY 2019

Licensing Manager

Charnwood Borough Council

Council Offices

Southfields Road

Loughborough

Leicestershire.

LE11 2TX

12TH May 2019

13 Crossley Close

Barrow-upon-Soar

Loughborough

Leicestershire

LE12 8QL

Dear Sirs

Ref: The Moorings, 14 Bridge Street, Barrow-upon-Soar. LE12 8PN

I reside in Crossley Close, which is situated directly behind the new business venture above and would like to object most profusely to the plan they have submitted. This is not a usual pub application but more of a night club scenario. It is bad enough previously have to endure the loud music during the daytime plus the endless cars parking blocking our close, with the added noise of the people returning to collect the cars, but now they want to go into the early hours, which is not fair on those who have to reside here. This could not only have adverse effect on people's health but also lower house prices due to being sited so close.

I appreciate that there is a call for nightclubs and the like, but surely this is totally unacceptable in a position integral to domestic dwellings. I know in the past the previous owners attempted to improve the car parking issue by using the field on the opposite side of the river, but there are many people who disregard this or just do not want to park in a field when they can park in our close. The noise we get plus the litter left behind is not conducive with a normal living environment.

I am hopeful that you will not ruin our domestic living area by granting this insensitive application, and will turn it down. I am not alone in my thoughts, and as well as crossley Close, residents on Bridge Street also have grave concerns

Yours sincerely

Steven Maw

-7 JUN 2019

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)..... RICHARD NIELSEN.....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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <p style="text-align: center; font-family: cursive;">THE MOORINGS, 14 BRIDGE STREET, BARRON WAY SOAR</p>	
Post Town <p style="text-align: center; font-family: cursive;">LOUGHBOROUGH</p>	Post Code <p style="text-align: center; font-family: cursive;">LE12 8PN</p>

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please
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	14 CROSSLEY CLOSE, BARLOW UPON SOAR Loughborough		
Post Town		Post Code	LE12 8QL

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 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)

The Prevention of Crime and Disorder

LICENSING HOURS NOT ACCEPTABLE IN A RESIDENTIAL AREA,
AT CLOSING TIME IT CAN BECOME NOISY WITH ANTI-SOCIAL
BEHAVIOUR.

Public Safety

The Prevention of Public Nuisance

- THE LICENSE FOR OUTDOOR MUSIC IS FOR 7 DAYS A WEEK DURING THE 5 SUMMER MONTHS WITH NO RESTRICTIONS ON THE NUMBER OF DAYS MUSIC IS ALLOWED OR VOLUME OF THE MUSIC
- LICENSE FOR OUTDOOR REFRESHMENT IS FOR 7 DAYS A WEEK ALL YEAR ROUND WITH SAME LICENSING HOURS

The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

• UNDER PREVIOUS OWNERS OF THE PUBLIC HOUSE DURING THE SUMMER MONTHS EVERY WEEKEND WE EXPERIENCED EXCESSIVE MUSIC, ANTI SOCIAL BEHAVIOUR LATE AT NIGHT, NOISE AND DISTURBANCE DURING CLOSING TIME WITH VEHICLE NOISES AND DRUNKEN BEHAVIOUR.

WITH THE INCREASE IN OPENING HOURS, NO RESTRICTIONS ON MUSIC WE CAN ONLY SEE THIS GETTING WORSE.

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		Date	27.10.19
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.

14 Crossley Close
Barrow Upon Soar
Loughborough
Leicestershire
LE12 8QL

21 MAY 2019

18th May 2019

Dear Licensing Manager

We are writing to express our objections about the recent License Application from the newly named pub "The Moorings" in Barrow upon Soar.

Having lived near the pub for 20 years we are aware of the implications that this can have on everyday life, however the licence that is now being applied for has the following items that we cannot tolerate.

- The Licensing hours being applied for are not acceptable in a residential area, closing time which is later than the Licensing hours are noisy and sometimes be a cause of anti-social behaviour. In our experience this means we will have disturbance until the early hours of the morning.
- The License for outdoor music is for 7 days a week during the full 5 summer months, with no restrictions on number of days music is allowed or the volume of the music.
- License for outdoor refreshment/drinks is for 7 days a week all year round with the same Licensing hours as the pub.

We are asking to reduce the Licencing hours, restrict the outdoor music to limited days, restrict the outdoors refreshments operating hours and have a defined volume limit on the outdoor music.

We have been in contact with other residents and they are of the same view, we have so far in excess of 25 signatures which are enclosed with this letter.

We look forward to your response

Kind Regards

Richard Wilson

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).....VALERIE UPTON.....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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <p style="text-align: center;"><u>THE MOORINGS</u> <u>14 BRIDGE STREET</u></p>	
Post Town <u>BARROW UPON SOAR</u>	Post Code <u>LE12 8PN</u>

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if 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, Re)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address <input type="text" value="6"/>	<input type="text" value="CROSSLEY CLOSE"/>		
Post Town <input type="text" value="BARROW UPON SOAR"/>	Post Code <input type="text" value="LE12 8QL"/>		

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 <input type="text"/>
--

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 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)

<p>The Prevention of Crime and Disorder</p> <p>LATE NIGHT DRINKING LACK OF POLICE SINGING & SHOUTING AND CAR DOORS & BANGING</p>
<p>Public Safety</p>
<p>The Prevention of Public Nuisance</p> <p>LACK OF PARKING ON PREMISES NOISE OF CAR DOOR SLAMMING WHEN PARKED IN RESIDENTIAL SIDE STREET PATRONS SHOUTING AND SINGING LATE AT NIGHT</p>
<p>The Protection of Children from Harm</p>

Please provide as much information as possible to support the representation

(Please read guidance note 2)

I object to the application for Sale of Alcohol, films recorded and live music at the premises at 14 Bridge Street Barrow upon Soar LE12 8PN, outside of normal licencing hours granted previously.

I object to the Days and Times of the licensable activities to take place.

I have lived close to (the Moorings) 14 Bridge Street and the Soar Bridge Public house for 39 years.

The Soar Bridge is only open till 11pm and had a large Car Park which causes no problem for patrons parking. It is the vicinity of the Boat House / The Moorings.

The Boat House / The Moorings only has a very small Car Park and Crossley Close is often used by Patron of Boat House / the Moorings.

When there have been outside events cars have parked on and off the footpaths and blocking drives in Crossley Close. I object to increasing the opening hours and outside events, late night cars revving, slamming of doors and rowdiness in the residential area of Crossley Close

Please
Tick ✓

Have you made any representation relating to these premises before?



If Yes, please state the date of that representation

Day		Month		Year			
		0	5	2	0	1	9

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

A NORMAL LETTER OF OBJECTION

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	27/05/2019
Capacity	HOME OWNER		

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.

10 MAY 2019

Valerie Upton
6 Crossley Close,
Barrow upon Soar
Loughborough.
Leics.
LE12 8QL

8th May 2019

Dear Sir/Madam

14 Bridge Street, Barrow upon Soar, LE12 8PN

I object to the Application to the Premises at 14 Bridge Street Barrow upon soar LE12 8PN

I object to the application for sale of alcohol, films recorded and live music 14 bridge Street, Barrow upon Soar.LE12 8PN outside of normal licencing hours

With reference to the above application I object strongly to the Days and Times of the licensable activities to take place.

This is a residential area.

I have lived in Crossley Close for 39 Years .

The Soar Bridge Public House and restaurant is only open till **11pm** and has a **large car Park** which causes no problem for parking and is in the vicinity of The Boat House to be renamed the Mooring. The Boat House/The Moorings only has a **very small car park** and Crossley Close is often used by patrons of the Boat House/The

Moorings when there has been outside events on the past, cars have parked on and off the footpath and blocking driveways in Crossley Close and causing unnecessary noise of people with raised voices and banging of car doors late at night, I object to the days and times to be increased.

I object to the times Licensable activities are to take place.

Outside activities

Previously the outside activities music etc. has been limited Per Year

I object strongly to the increase of Days and Times

and I object to the frequency being increased, I also object to the times being increased.

I object strongly to 11.00 to 00.00 Sun. to Thur.

I object to strongly 11.00 to 01.00 Fri. and Sat.

The above objections are for public nuisance and for public safety.

Valerie Upton

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) RICHARD UPTON 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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <u>THE MOORINGS</u> <u>14 BRIDGE STREET</u>	
Post Town <u>BARROW UPON SOAR</u>	Post Code <u>LE12 8PN</u>

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if 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, Re)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address <input type="text" value="6"/>	<input type="text" value="CROSSWEY CLOSE"/>		
Post Town	<input type="text" value="BARROW UPON SOAR"/>	Post Code	<input type="text" value="NE12 8QL"/>

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 <input type="text"/>
--

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
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

-
-
-
-

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

The Prevention of Crime and Disorder

LATE NIGHT DRINKING, LACK OF POLICE
SIGNING AND SHOUTING

Public Safety

The Prevention of Public Nuisance

LACK OF CAR PARKING, SLAMING OF
DOORS WHEN CARS PARKED IN STREET

The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

Crossley Close, Barrow upon Soar is situated at the rear of The Moorings Bridge Street Barrow upon Soar. When there has been normal licensing hours, i.e. cease at 11pm there has been no problem. Also there is limited parking at The Moorings. As a result vehicles will park in Crossley Close, causing noise to be made, i.e. slamming of car doors, revving of engines. There are young families in the close with young children.

The Soar Bridge, situated opposite the close has a large car park and there has been no problem.

I object to an extension of licensing hours and object to insufficient car parking.

Please
Tick ✓

Have you made any representation relating to these premises before?



If Yes, please state the date of that representation

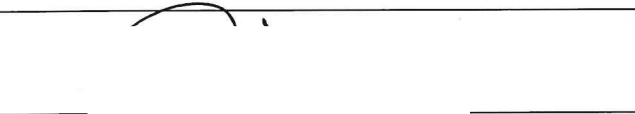
Day		Month		Year			
		05		20	19		

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

A normal letter of objection

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	26/05/2018
Capacity	House owner		

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.

10 MAY 2019

Richard Upton
6 Crossley Close,
Barrow upon Soar
Loughborough.
Leics.
LE12 8QL

Dear Sir/Madam

14 Bridge Street, Barrow upon Soar, LE12 8PN

I object to the Application to the Premises at 14 Bridge Street Barrow upon soar LE12 8PN

I object to the application for sale of alcohol, films recorded and live music 14 bridge Street, Barrow upon Soar.LE12 8PN outside of normal licencing hours

With reference to the above application I object strongly to the Days and Times of the licensable activities to take place.

This is a residential area.

I have lived in Crossley Close for 39 Years .

The Soar Bridge Public House and restaurant is only open till **11pm** and has a **large car Park** which causes no problem for parking and is in the vicinity of The Boat House to be renamed the Mooring. The Boat House/The Moorings only has a **very small car park** and Crossley Close is often used by patrons of the Boat House/The Moorings when there has been outside events on the past, cars have parked on and off the footpath and blocking driveways in Crossley

Close and causing unnecessary noise of people with raised voices and banging of car doors late at night, I object to the days and times to be increased.

I object to the times Licensable activities are to take place.

Outside activities

Previously the outside activities music etc. has been limited Per Year

I object strongly to the increase of Days and Times

and I object to the frequency being increased, I also object to the times being increased.

I object strongly to 11.00 to 00.00 Sun. to Thur.

I object to strongly 11.00 to 01.00 Fri. and Sat.

The above objections are for public nuisance and for public safety.



Richard Upton

03 JUN 2019



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).....ROBERT & CATHERINE HOLMES.....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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description THE MOORINGS 14 BRIDGE STREET BARROW UPON SOAR	
Post Town LEIGHTBOROUGH	Post Code LE12 8PN

Name of premises licence holder or club holding club premises certificate (if known) NIGEL PINEGAR
--

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please 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	4 CROSSLEY CLOSE BARROW UPON SOAR, LAUGHTBOROUGH LEICS		
Post Town	LAUGHTBOROUGH	Post Code	LE12 8QL

Daytime contact telephone number

E-mail address (optional)

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

Name and Address	ROBERT HOLMES AS ABOVE
------------------	-------------------------------

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

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

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

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 checked="" 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)

The Prevention of Crime and Disorder
Public Safety The outside tables are very close to the waters edge. children must be carefully supervised. Will signs and checks be in place to help prevent accidents?
The Prevention of Public Nuisance We are concerned and seek amnuances regarding the late license for sale of alcohol outside / playing of live or recorded music outside and all of these until very late ie midnight or 1am. We live very close and are also affected by our road being used as an overflow car park. (this is what happened with previous owner)
The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

Our representation is based on the detail given in the licence application. We are concerned about the levels of noise from late night sales of alcohol and the playing of live or recorded music outside until 1am on Fridays and Saturdays and 12midnight on other nights.

We do not have a complaint NOW but if we do not mention our concerns & get assurances now then we may well be seen to be "happy" with the scope of the licence this business seeks. We are not.

At the 'soft opening' of the business, children were playing near to the waters edge, not closely supervised by adults. Will reminders be displayed about supervision of children?

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	30 th May 2019.
Capacity	Representative		

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) CATHERINE HOLMES 4 CROSSLEY CLOSE BARROW UPON SOAR LEICS			
Post Town	Loughborough	Post Code	LE12 8QL

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.

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) MR DENIS WILLIAM LAWSON 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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <u>"The Moorings" (Public House)</u> <u>BRIDGE ST.</u> <u>BARROW-UPON-SOAR</u>	
Post Town <u>LEICHBOROUGH</u>	Post Code <u>LE12 ???</u>

Name of premises licence holder or club holding club premises certificate (if known)
Not known

Number of premises licence or club premise certificate (if known)
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	8, THE ROOKERY, BARROW-UPON-SOAR		
Post Town	LOUGHBOROUGH	Post Code	LE12 8JZ

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)

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance <i>Noise from outdoor performances (film screening) and from insufficiently suppressed indoor music playing.</i>
The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

Under the previous management, a lot of outdoor music performance was made, especially at weekends and periods of fine weather.

Living above the premises (The Boat house) in The Rookery, weekend and evening sitting outside in our garden was spoilt by the noise coming from the premises. The problem was always the over-amplified bass rhythm. This low frequency noise travels greater distances than the higher frequency "music" sounds and was quite disturbing to us. The solution: Go indoors and close all the windows. Not very comfortable in hot weather.

I hope that in considering the licensing — and the very late hours for which it is requested, the licensing personnel specify some limit for the noise level issuing from the premises and hope that the requested hours be considerably reduced to 10.30 p.m. (from midnight and 1.00 a.m.) and that outdoor music playing of music be banned.

Is there some way of restricting the volume of music played indoors? — so that music issuing from a room, through open windows for example, does not disturb the local environment.

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.

Was there any point in making representation after the license was granted ???

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	29 th May 2019.
Capacity	Resident and Householder.		

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) D. W. LAWSON (MR.) 8, THE ROOKERY BARROW-UPON-SOAR.	
Post Town LOUGHBOROUGH	Post Code LE12 8JZ

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.

-7 JUN 2019

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).....VALERIE TRIST.....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

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description <u>THE MOORINGS, BARROW UPON SAAL, BRIDGE STREET</u>	
Post Town <u>BARROW UPON SAAL</u>	Post Code <u>LE12 8PN</u>

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if known)

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please 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	16 CROSSLEY CLOSE BARROW-UPON-SOAR LEICESTERSHIRE		
Post Town	LOUGHBOROUGH	Post Code	LE12 8PL

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 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)

The Prevention of Crime and Disorder LICENSING HOURS NOT ACCEPTABLE IN A RESIDENTIAL AREA, AT CLOSING TIME IT CAN BECOME NOISY WITH ANTI-SOCIAL BEHAVIOUR.
Public Safety
The Prevention of Public Nuisance ◦ THE LICENSE FOR OUTDOOR MUSIC IS FOR 7 DAYS A WEEK DURING THE 5 SUMMER MONTHS WITH NO RESTRICTIONS ON NUMBER OF DAYS MUSIC IS ALLOWED OR THE VOLUME OF THE MUSIC ◦ LICENSE FOR OUTDOOR REFRESHMENT IS FOR 7 DAYS A YEAR ALL YEAR ROUND WITH THE SAME LICENSING HOURS.
The Protection of Children from Harm

Please provide as much information as possible to support the representation

(Please read guidance note 2)

" UNDER THE PREVIOUS OWNER OF THE PUBLIC HOUSE DURING THE SUMMER MONTHS EVERY WEEKEND WE EXPERIENCED EXCESSIVE MUSIC, ANTI-SOCIAL BEHAVIOUR LATE AT NIGHT AND NOISE FROM PEOPLE LEAVING THE VENUE PLUS VEHICLE NOISES. WITH THE INCREASE IN OPENING HOURS AND NO RESTRICTIONS ON MUSIC WE CAN ONLY SEE THIS GETTING WORSE.

Please
Tick ✓

Have you made any representation relating to these premises before?

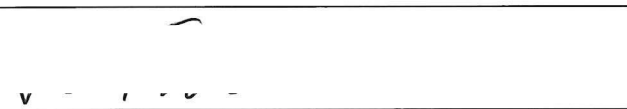
If Yes, please state the date of that representation

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		Date	7-05 2019
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.

21 MAY 2019

16 Crossley Close
Barrow Upon Soar
Loughborough
Leicstershire
LE12 8QL

18th May 2019

Dear Licensing Manager

We are writing to express our objections about the recent License Application from the newly named pub "The Moorings "in Barrow upon Soar.

Having lived near the pub since the sixties we are aware of the implications that this can have on everyday life, however the licence that is now being applied for has the following items that we cannot tolerate.

- The Licensing hours being applied for are not acceptable in a residential area, closing time which is later than the Licensing hours are noisy and sometimes be a cause of anti-social behaviour. In our experience this means we will have disturbance until the early hours of the morning.
- The License for outdoor music is for 7 days a week during the full 5 summer months, with no restrictions on number of days music is allowed or the volume of the music.
- License for outdoor refreshment/drinks is for 7 days a week all year round with the same Licensing hours as the pub.

We are asking to reduce the Licencing hours, restrict the outdoor music to limited days, restrict the outdoors refreshments operating hours and have a defined volume limit on the outdoor music.

We have been in contact with other residents and they are of the same view, we have so far in excess of 25 signatures which are enclosed with this letter.

We look forward to your response

Kind Regards

Val Trott

Strong Laura

From: Green Beverley
Sent: 23 May 2019 10:07
To: licensing@charnwood.gov.uk
Cc:
Subject: Application to Vary Premises Licence - The Moorings, 14 Bridge Street, Barrow

NOT PROTECTIVELY MARKED
=====

Hi Licensing

The following conditions have been agreed by the applicant in relation to the above application (see email confirmation below).

1. The Licence Holder and/or Designated Premises Supervisor shall receive and respond positively in a timely manner to complaints relating to noise and/or antisocial behaviour received during the provision of licensable activities, including all potentially noisy external events.
2. The DPS or a nominated person shall satisfy themselves that the amplified music/speech levels in respect of external regulated entertainment is set to an acceptable limit and shall monitor levels throughout the event to ensure noise is not disturbing to neighbouring residents.
3. Prominent, clear notices shall be displayed at external areas and at exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

Provided these conditions are placed on the operating schedule I have no objection to the variation.

Regards

Bev Green
Environmental Protection Manager

From: Nigel Pinegar [mailto: |
Sent: 22 May 2019 20:50
To: Green Beverley
Cc: licensing@charnwood.gov.uk
Subject: Re: The Moorings, 14 Bridge Street, Barrow

Hi Beverly

I am happy with points 1, 2 & 3 and I would be happy to comply with point 4 if it was for live music, however we have had bifold doors fitted to the front of the pub and if I can only open them when people are not talking and when we do not have any amplified music playing then we will be limited to only being able to open them when we are closed!?

As discussed, we will obviously be considerate and the doors open out onto the carpark and river beyond so is not facing any housing at all!?

Many thanks

Nigel Pinegar
Managing Director

E r _____ @
M i _____

The Pug & Greyhound

W www.thepugandgreyhound.com
A 14 London Rd, Great Glen, Leicester, LE8 9GF

The Moorings

W www.themoorings.pub
A 14 Bridge St, Barrow upon Soar, Leicester, LE12 8PN

On 22 May 2019, at 09:40, Green Beverley <Beverley.Green@charnwood.gov.uk> wrote:

NOT PROTECTIVELY MARKED
=====

Hi Nigel

I write with reference to our telephone conversation regarding the licence application for the above premises and would comment as follows:-

As the Responsible Authority for Public Nuisance, I would like to ensure that suitable, sufficient and effective controls measures are in place to minimise any unreasonable disturbance/noise to local residents. From our conversation I understand that you are happy to apply the Live Music Act hours of operation to outside areas for live and recorded music to restrict late night noise. I would however like to provide reassurance to residents that public nuisance will be avoided and would therefore suggest that the following conditions be put forward to the licencing committee:-

1. The Licence Holder and/or Designated Premises Supervisor shall receive and respond positively in a timely manner to complaints relating to noise and/or antisocial behaviour received during the provision of licensable activities, including all potentially noisy external events.
2. The DPS or a nominated person shall satisfy themselves that the amplified music/speech levels in respect of external regulated entertainment is set to an acceptable limit and shall monitor levels throughout the event to ensure noise is not disturbing to neighbouring residents.
3. Prominent, clear notices shall be displayed at external areas and at exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
4. All external doors/windows shall be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

I would welcome your comments on the above and if you are happy to accept the conditions that you confirm this by email.

Regards

Bev Green

Beverley Green MSc MCIEH CEnvH
Environmental Protection Manager

Charnwood Borough Council

E-mail: beverley.green@charnwood.gov.uk

Tel: 01509 634626

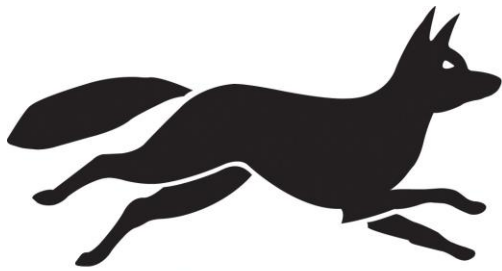
www.charnwood.gov.uk

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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

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

13

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 square's 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 6th 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.

1. Introduction

The Licensing Act 2003

1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

Purpose

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:
- The sale by retail of alcohol;
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
 - Temporary event notice – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

Each application on its own merits

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

Additional guidance

- 1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

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 Act¹, 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

¹ 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

to premises licences with the minimum of fuss.

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

Variations

Introduction

- 8.50 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above.

Simplified processes

- 8.51 There are simplified processes for making applications, or notifying changes, in the following cases:
- a change of the name or address of someone named in the licence (section 33);
 - an application to vary the licence to specify a new individual as the designated premises supervisor (DPS) (section 37);
 - a request to be removed as the designated premises supervisor (section 41);
 - an application by a licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in sections 19(2) and 19(3) of the 2003 Act concerning the supervision of alcohol sales by a personal licence holder and the need for a DPS who holds a personal licence (sections 25A and 41D); and
 - an application for minor variation of a premises licence (sections 41A to 41C) or club premises certificate (sections 86A to 86C).
- 8.52 If an application to specify a new DPS or to remove the mandatory conditions concerning the supervision of alcohol sales is made electronically via GOV.UK or the licensing authority's own electronic facility, the authority must notify the police no later than the first working day after the application is given.
- 8.53 Where a simplified process requires the applicant (if they are not also the personal licence holder) to copy the application to the licence holder for information, this will apply regardless of whether the application is made in writing or electronically. Otherwise the general guidance set out above (paragraphs 8.21 to 8.28) on electronic applications applies.

Minor variations process

- 8.54 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. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display

b) Volunteered conditions

- 8.70 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.
- 8.71 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence (for example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal). Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licence holder and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licence or certificate holders into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

c) Amending or removing existing conditions

- 8.72 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.
- 8.73 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

Full variations process

- 8.74 Any other changes to the licence or certificate require an application to vary under sections 34 or 84 of the 2003 Act.
- 8.75 Licensing authorities may wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan under section 17 of the 2003 Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).
- 8.76 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:

- extend a time limited licence;
- transfer the licence from one holder to another; or
- transfer the licence from one premises to another.

8.77 If an applicant wishes to make these types of changes to the premises licence, the applicant should make a new premises licence application under section 17 of the 2003 Act; or, to transfer the licence to another holder, an application under section 42 of the 2003 Act.

Relaxation of opening hours for local, national and international occasions

8.78 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George's or St. Patrick's Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.

8.79 However, exceptional events of local, national or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a one-off local festival or a Royal Jubilee.

Advertising applications

8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government's legislation website.

8.80 Applicants are required to:

- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
- display a brief summary of the application on an A4 (or larger) size notice, on pale blue paper in a prominent position immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be printed legibly in black ink or typed in black in size 16 font or larger.
- ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

9. Determining applications

General

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

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authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

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

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

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

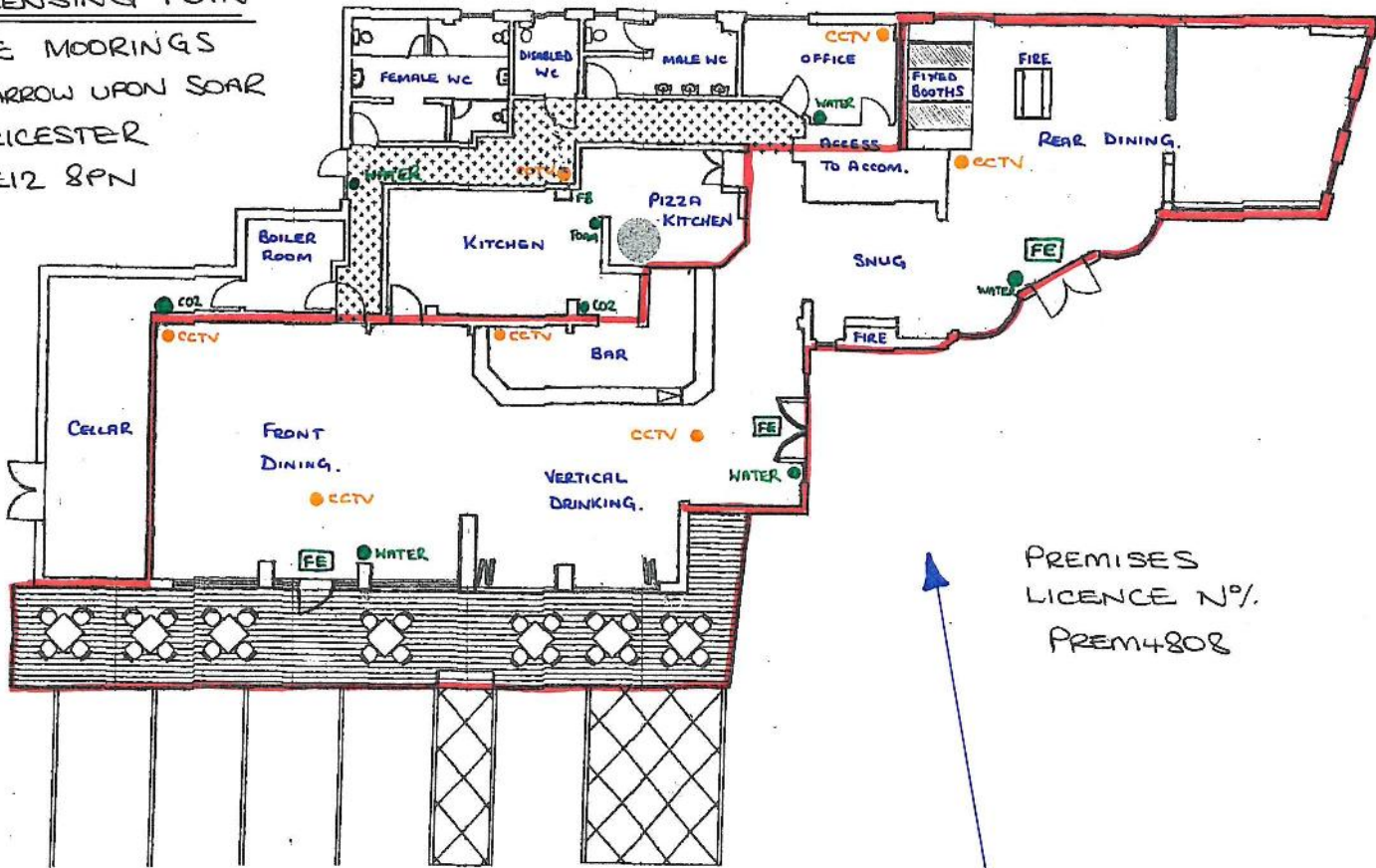
9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

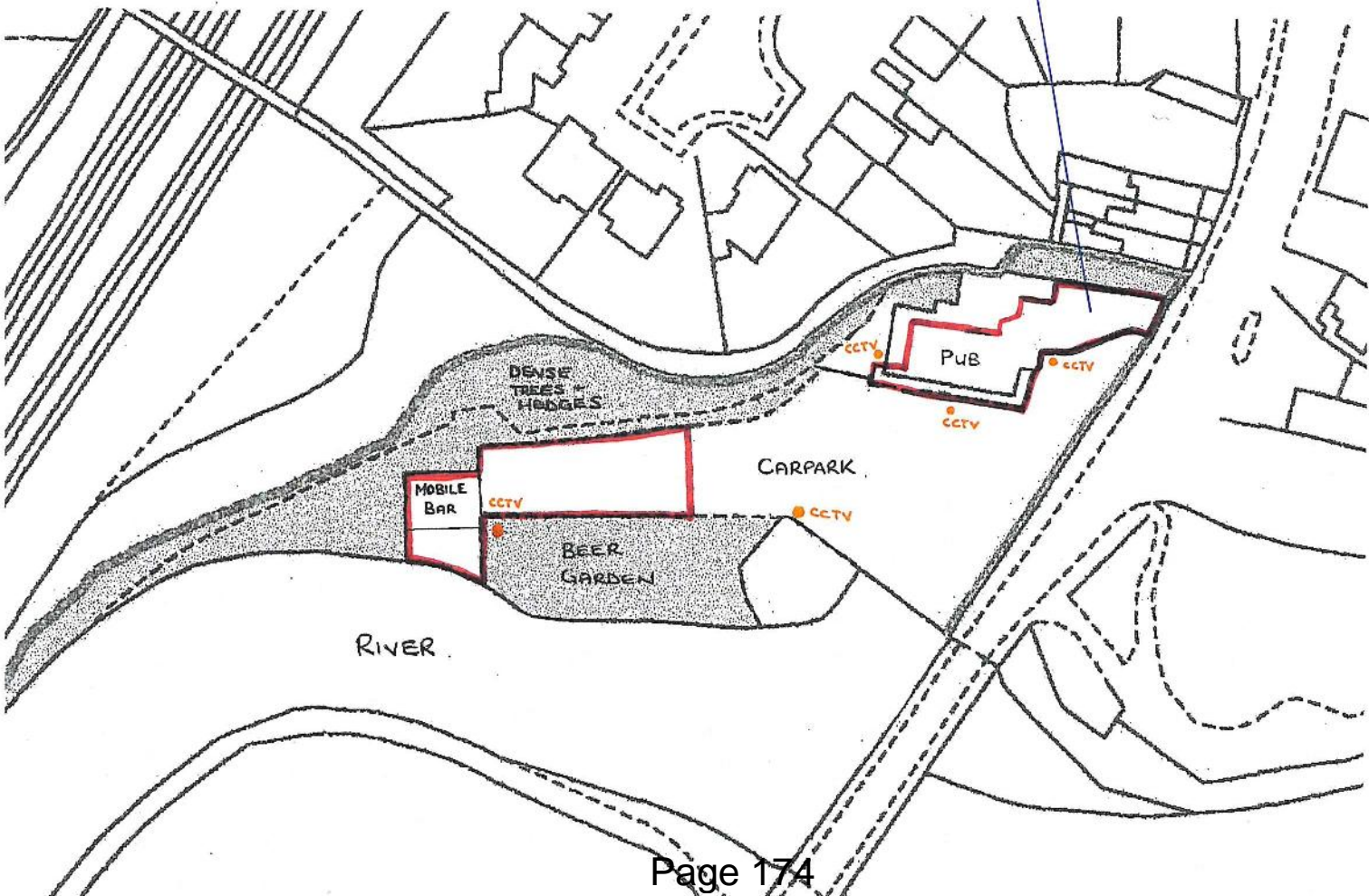
Considering cases where licensing and planning applications are made simultaneously

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

LICENSING PLAN
THE MOORINGS
BARROW UPON SOAR
LEICESTER
LE12 8PN



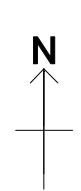
PREMISES
LICENCE N°:
PREM4808



The Moorings Public House, Bridge Street, Barrow upon Soar



Charnwood Borough Council
Southfields
Southfield Road
Loughborough
Leicestershire
LE11 2TN
tel: (01509) 263151
www.charnwoodbc.gov.uk



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