

## APPLICATION FOR A GRANT OF A PREMISES LICENCE - THE OLD CUSTOMS HOUSE, 4C QUAY STREET, LYMINGTON, SO41 3AS

### 1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for the Grant of a Premises Licence under section 17 of the Licensing Act 2003.

### 2. APPLICATION

- # 2.1 The Cellar Tasting House & Wine Merchant has made an application for the grant of a premises licence for the Old Customs House, 4c Quay Street, Lymington, SO41 3AS. The application is attached as **Appendix 1**. The application is for the supply of alcohol only.

- # 2.2 Additional conditions have also been agreed with the Police and Environmental Health Pollution. These are attached as **Appendix 2**.

### 3. REPRESENTATIONS

- 3.1 No representations from any Responsible Authorities have been made.

- # 3.2 A representation has been received from one local resident; this is attached as **Appendix 3**.

### 4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:

- The prevention of Crime and Disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

- # 4.2 Paragraphs 2.1 - 2.34 of the current Home Office Guidance issued under Section 182 of the Licensing Act 2003 regarding the licensing objectives are attached as **Appendix 4**.

- 4.3 In determining the application the Licensing Sub-Committee must give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The relevant representations presented by all the parties;
- The Home Office guidance;
- The Council's own Statement of Licensing Policy.

- # 4.4 Paragraphs 9.38 - 9.40 of the current Home Office guidance issued under section 182 of the Licensing Act 2003 are attached as **Appendix 5**.

## 5. CONCLUSION

5.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:

- Grant the Licence - with the conditions consistent with the operating schedule and all applicable mandatory conditions of the Licensing Act 2003;
- Grant the Licence - but modify the conditions proposed in the operating schedule, restrict certain licensable activities or operating hours;
- Reject the application.

## 6. RECOMMENDATION

6.1 That the Licensing Sub-Committee determines the application.

### **Further Information:**

Paul Weston  
Licensing Services  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

### **Background papers:**

Licensing Act 2003  
Section 182 Guidance  
NFDC Statement of Licensing Policy

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/ We The Cellar Tasting House & Wine Merchant

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Old Customs House, 4c Quay Street, Lymington,			
Post town	Lymington	Postcode	So41 3as

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10,250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \* please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company please complete section (B)
  - ii. as a partnership please complete section (B)
  - iii. as an unincorporated association or please complete section (B)
  - iv. other (for example a statutory corporation) please complete section (B)

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

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

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over			Please tick yes		
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over			Please tick yes		
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name The Cellar Tasting House & Wine Merchant
Address The Old Customs House, 4c Quay Street, Lymington, Hampshire
Registered number (where applicable) 9058129
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) -
E-mail address (optional)

Part 3 Operating Schedule

	DD	MM	YYYY	
When do you want the premises licence to start?	0	7	0	8
		2	0	1
		4		

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

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

The Property is a grade two-listed building. The ground floor will be used as the shop floor with one table in the middle. Staying on the ground floor you walk into a smaller room leading on to a larger room. The small room is the bar area, the back room will be used as a seating area. On the first floor are two toilets, kitchen and a seating area. On the second floor this will be used as a storeroom. On the ground floor will be a decked area at the back of the property. The areas for the public to be able to consume alcohol are on the entire ground floor including decked area and the first floor seating area. Next door to the property is a shop and to the other side is a restaurant.

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

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

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

Provision of regulated entertainment

Please tick any 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 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Fri					
Sat			<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 5)		
Sun					



**B**

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed						
Thur			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)			
Fri						
Sat			<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</u> (please read guidance note 5)			
Sun						

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur					
Fri			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Sat			<p><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 5)</p>		
Sun					

I

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



J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	09:00	22:45	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) New Years Eve 09:00 to 01:00	<input type="checkbox"/>
Tue	09:00	22:45		<input type="checkbox"/>
Wed	09:00	22:45		<input type="checkbox"/>
Thur	09:00	22:45	<u>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</u> (please read guidance note 5)	<input checked="" type="checkbox"/>
Fri	09:00	22:45		<input type="checkbox"/>
Sat	09:00	22:45		<input type="checkbox"/>
Sun	09:00	22:45		<input type="checkbox"/>

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

Name Peter Foulds	
Address 44a Old Kennels Lane Olivers Battery Winchester Hampshire	
Postcode	So22 4jr
Personal licence number (if known) 1325	
Issuing licensing authority (if known) Winchester	

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 8).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) New Years Eve 01:30 am 09:00 am
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Mon	09:00	23:00	
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	

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

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

A very strict think 25 policy will be implemented with ID. Noise will be controlled from many different examples such as closing the windows from 21:00. After 21:00 the decking area turns into a smoking area, as no food or drinks will be permitted outside. The smoking area to the rear of the property will help stop large crowds gathering to the front of the property. The no drinks outside of the property from 21:00 will help with looking after people in a responsible manner.

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

A local scheme will be joined, pub watch.

**c) Public safety**

No drink promotions will be put in place promoting binge drinking. Making sure everyone leaves in a safe and secure manner when leaving the premises.

**d) The prevention of public nuisance**

Having set rules will help noise levels. No external doors or windows to the front of the premises shall be kept open other than the times between 09:00 and 21:00. Customers shall not be permitted to take open food or drink into the rear external decked area except between the hours of 09:00 and 21:00 this will help keep people in doors from 21:00 onwards. A drink up time will also be in place of 15 minutes to help ensure people leave at different times

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

A strict policy will be implemented on not serving anyone who is heavily under the influence of alcohol. Working very closely with the police and the local pco will help with all these matters.

**Checklist:**

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

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

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

Signature	
Date	08.07.14
Capacity	Director of The Cellar Tasting House & Wine Merchant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) 44 a Old Kennels Lane Olivers Battery Winchester Hampshire			
Post town	Winchester	Postcode	So22 4jr
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**CONDITIONS AGREED WITH ENVIRONMENTAL HEALTH POLLUTION**

Bottles shall not be emptied externally except between the hours of 08:00 hours and 18:00 hours. Spare bottle containers will be available so there will be no need to empty in the evenings.

External waste disposal shall not occur except between the hours of 07:00hrs to 18:00 hrs and not at all on Sundays.

Deliveries shall not occur except between the hours of 09:00hrs to 18:00hrs Monday to Saturday not at all on a Sunday.

A last order time will be put in place of 22:45hrs to give people ample time to drink and not rush to the bar. This should also stop everyone leaving the premises at the same time.

Open food or drink will not be allowed into the rear external decking area except between the hours of 09:00 to 21:00. This will be supported by adding signs to the decking area and will be monitored by all staff.

All doors and windows to the front of the property will be shut by 21:00 hours to prevent any noise escaping, except for access and egress through the front door.

Customers shall not be permitted to take outside open drinks or food after the hours of 21:00 hours.

Staff will be trained on all matters above. Customers will be reminded of the consequences of late night noise and to be proactive in dealing with problems via internal signage. Verbal announcements will be made prior to dispersal at the end of each evening.

## **CONDITIONS AGREED WITH THE POLICE**

### **Noise nuisance**

After 21:00 hours, all windows and doors to the front of the premises will be kept closed.

Food or drink will not be allowed into the rear external decking area after 21:00 hours.

### **Challenge 25**

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

### **Incident/Refusals Book**

An incident/refusals book or electronic equivalent will be provided and maintained at the premises.

Entries made in the incident/refusals record will give a brief account of the incident and shall be dated and signed by the author.

The incident/refusals record shall be checked on a weekly basis by the manager of the premises.

The incident or refusals record should be made available upon request to the Police or an authorised officer of the Local Authority.

### **Staff Training**

Staff will be trained in their responsibilities under the Licensing Act 2003 before being permitted to sell age restrictive products at the premises. The records will be kept of such training and refresher training shall be given at least every 6 months.

Training records will be made available for inspection by the Police or an authorised officer of the Local Authority. Training records must be kept for a minimum period of 2 years.

The Cellar Tasting House & Wine merchant  
The Old Customs House  
4c Quay Street  
Lymington  
Hampshire  
So41 3as

## **Noise Management Plan**

### **INTRODUCTION**

I acknowledge that we have a primary responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this Noise Management Plan is to detail the procedures we aim to adopt to ensure, as far as possible, the minimization of disturbance to local residents by activities in and around The Cellar.

The plan has been developed with assistance from New Forest District Council Environmental Protection Department and is designed to prevent public nuisance and meet the licensing objectives under the Licensing Act 2003.

#### **Key Elements of this plan are:**

- Minimize impact to local residents
- the identification of the range of potential noise sources relating to the premises and the acceptable levels of noise.
- A Detailed list of steps taken to manage noise pollution

#### **Identifying potential noise**

The emptying of bottles into larger bins.

Waste disposal.

People leaving the premises in large groups

Noise from the first floor seating area.

Out side terrace area

Window or doors being left open on all floors.

### **Steps taken to prevent noise**

Bottles will only be emptied between the hours of 08:00 to 18:00. Spare bottle containers will be available so no need to empty in the evenings.

Waste disposal will only happen between the hours of 07:00 to 18:00 and not at all on Sundays.

Deliveries will only be between the hours of 09:00 to 18:00 Monday to Saturday not at all on a Sunday.

A last order time will be put in place of 22:45 to give people ample time to drink and not rush to the bar. This should also stop every one leaving the premises at the same time.

The decking / Terrace area to the rear of the property will only be allowed open food or drink between the hours of 09:00 and 21:00.

The first floor has had some soundproofing added to the left hand side of the property on both sides of the fireplace. The soundproofing consists of three layers of soundproofing. 50 mm of Celotex, 100 mm of acoustic rock wool and 12.5 mm of plaster board. A professional had installed this.

To the front of the property all windows and doors will be shut by 21:00 to prevent any noise escaping.

Customers shall not be permitted to take open drinks or food after the hours of 21:00. This will be supported by adding signs to the decking area and will be monitored by all staff.

Staff will be trained on all matters above. Customers will be reminded of the consequences of late night noise and to be proactive in dealing with the problem via internal signage. Verbal announcements will be made prior to dispersal will be made at the end of each evening.

### **Opening Hours**

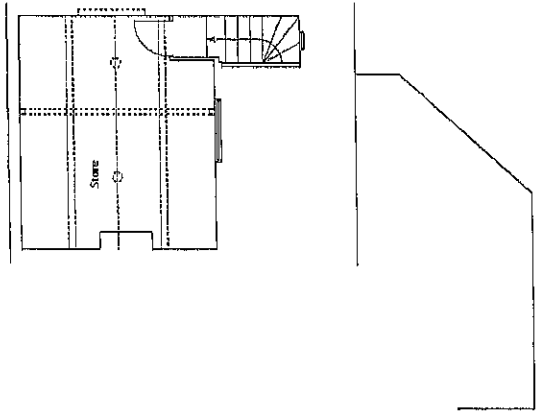
Monday – Sunday 09:00 – 11:00

It is very likely that the Monday to Thursday that the premises will be closed by 22:00 and Sundays. No drink promotions will take place as such buy one get one free on cocktails.

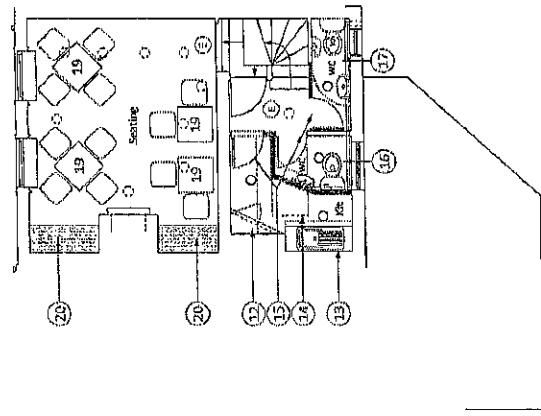
The designated premises supervisor will be a member of the local pub watch scheme.



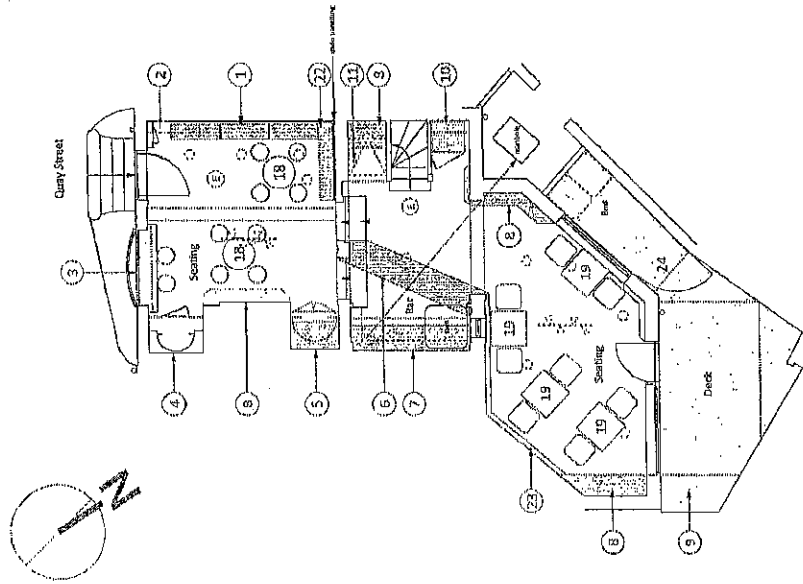
SECOND FLOOR



FIRST FLOOR



GROUND FLOOR



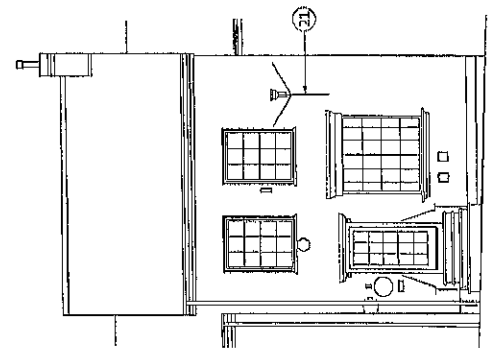
- RESPONSE KEY**
- 1 Electric wiring system. Three three-core units, power supply
  - 2 New plastic concrete with rear upstand. 150mm thick.
  - 3 Existing work will be altered or torn down.
  - 4 New work to be done.
  - 5 New work to be done. See details below.
  - 6 New work to be done. See details below.
  - 7 New work to be done. See details below.
  - 8 New work to be done. See details below.
  - 9 New work to be done. See details below.
  - 10 New work to be done. See details below.
  - 11 New work to be done. See details below.
  - 12 New work to be done. See details below.
  - 13 New work to be done. See details below.
  - 14 New work to be done. See details below.
  - 15 New work to be done. See details below.
  - 16 New work to be done. See details below.
  - 17 New work to be done. See details below.
  - 18 New work to be done. See details below.
  - 19 New work to be done. See details below.
  - 20 New work to be done. See details below.
  - 21 New work to be done. See details below.
  - 22 New work to be done. See details below.
  - 23 New work to be done. See details below.
  - 24 New work to be done. See details below.

**GENERAL NOTES**

Fire extinguishers, fire alarm, fire detection, emergency lighting to be installed and specified to comply with building control, fire and building insurance requirements. All design and specification proposals to comply with fire, building, building insurance and building regulations requirements.

**SYMBOL KEY**

- Existing work to be retained
- New work to be done
- New work to be done. See details below.
- New work to be done. See details below.
- New work to be done. See details below.



FRONT south - west



<p><b>GENERAL NOTES</b></p> <p>1. The architect is not responsible for the design of the building's structure, foundation, or other elements which are the responsibility of the structural engineer.</p> <p>2. The architect is not responsible for the design of the building's electrical, mechanical, or other services which are the responsibility of the relevant specialist contractors.</p> <p>3. The architect is not responsible for the design of the building's fire protection, which is the responsibility of the fire engineer.</p> <p>4. The architect is not responsible for the design of the building's drainage, which is the responsibility of the drainage engineer.</p> <p>5. The architect is not responsible for the design of the building's external works, which are the responsibility of the landscape architect.</p> <p>6. The architect is not responsible for the design of the building's furniture, fixtures, and equipment, which are the responsibility of the interior designer.</p> <p>7. The architect is not responsible for the design of the building's signage, which is the responsibility of the signage designer.</p> <p>8. The architect is not responsible for the design of the building's security, which is the responsibility of the security consultant.</p> <p>9. The architect is not responsible for the design of the building's accessibility, which is the responsibility of the accessibility consultant.</p> <p>10. The architect is not responsible for the design of the building's sustainability, which is the responsibility of the sustainability consultant.</p> <p>11. The architect is not responsible for the design of the building's energy efficiency, which is the responsibility of the energy efficiency consultant.</p> <p>12. The architect is not responsible for the design of the building's air quality, which is the responsibility of the air quality consultant.</p> <p>13. The architect is not responsible for the design of the building's noise, which is the responsibility of the noise consultant.</p> <p>14. The architect is not responsible for the design of the building's vibration, which is the responsibility of the vibration consultant.</p> <p>15. The architect is not responsible for the design of the building's electromagnetic interference, which is the responsibility of the electromagnetic interference consultant.</p> <p>16. The architect is not responsible for the design of the building's radio frequency interference, which is the responsibility of the radio frequency interference consultant.</p> <p>17. The architect is not responsible for the design of the building's lightning protection, which is the responsibility of the lightning protection consultant.</p> <p>18. The architect is not responsible for the design of the building's surge protection, which is the responsibility of the surge protection consultant.</p> <p>19. The architect is not responsible for the design of the building's data protection, which is the responsibility of the data protection consultant.</p> <p>20. The architect is not responsible for the design of the building's information security, which is the responsibility of the information security consultant.</p> <p>21. The architect is not responsible for the design of the building's business continuity, which is the responsibility of the business continuity consultant.</p> <p>22. The architect is not responsible for the design of the building's disaster recovery, which is the responsibility of the disaster recovery consultant.</p> <p>23. The architect is not responsible for the design of the building's crisis management, which is the responsibility of the crisis management consultant.</p> <p>24. The architect is not responsible for the design of the building's incident response, which is the responsibility of the incident response consultant.</p> <p>25. The architect is not responsible for the design of the building's forensic investigation, which is the responsibility of the forensic investigation consultant.</p> <p>26. The architect is not responsible for the design of the building's legal advice, which is the responsibility of the legal advice consultant.</p> <p>27. The architect is not responsible for the design of the building's insurance, which is the responsibility of the insurance consultant.</p> <p>28. The architect is not responsible for the design of the building's risk management, which is the responsibility of the risk management consultant.</p> <p>29. The architect is not responsible for the design of the building's compliance, which is the responsibility of the compliance consultant.</p> <p>30. The architect is not responsible for the design of the building's governance, which is the responsibility of the governance consultant.</p> <p>31. The architect is not responsible for the design of the building's ethics, which is the responsibility of the ethics consultant.</p> <p>32. The architect is not responsible for the design of the building's social responsibility, which is the responsibility of the social responsibility consultant.</p> <p>33. The architect is not responsible for the design of the building's environmental, social, and governance, which is the responsibility of the ESG consultant.</p> <p>34. The architect is not responsible for the design of the building's reputation management, which is the responsibility of the reputation management consultant.</p> <p>35. The architect is not responsible for the design of the building's brand management, which is the responsibility of the brand management consultant.</p> <p>36. The architect is not responsible for the design of the building's marketing, which is the responsibility of the marketing consultant.</p> <p>37. The architect is not responsible for the design of the building's sales, which is the responsibility of the sales consultant.</p> <p>38. The architect is not responsible for the design of the building's customer service, which is the responsibility of the customer service consultant.</p> <p>39. The architect is not responsible for the design of the building's human resources, which is the responsibility of the human resources consultant.</p> <p>40. The architect is not responsible for the design of the building's payroll, which is the responsibility of the payroll consultant.</p> <p>41. The architect is not responsible for the design of the building's tax, which is the responsibility of the tax consultant.</p> <p>42. The architect is not responsible for the design of the building's accounting, which is the responsibility of the accounting consultant.</p> <p>43. The architect is not responsible for the design of the building's finance, which is the responsibility of the finance consultant.</p> <p>44. The architect is not responsible for the design of the building's investment, which is the responsibility of the investment consultant.</p> <p>45. The architect is not responsible for the design of the building's asset management, which is the responsibility of the asset management consultant.</p> <p>46. The architect is not responsible for the design of the building's procurement, which is the responsibility of the procurement consultant.</p> <p>47. The architect is not responsible for the design of the building's supply chain management, which is the responsibility of the supply chain management consultant.</p> <p>48. The architect is not responsible for the design of the building's logistics, which is the responsibility of the logistics consultant.</p> <p>49. The architect is not responsible for the design of the building's operations, which is the responsibility of the operations consultant.</p> <p>50. The architect is not responsible for the design of the building's maintenance, which is the responsibility of the maintenance consultant.</p> <p>51. The architect is not responsible for the design of the building's facilities management, which is the responsibility of the facilities management consultant.</p> <p>52. The architect is not responsible for the design of the building's health and safety, which is the responsibility of the health and safety consultant.</p> <p>53. The architect is not responsible for the design of the building's environmental health and safety, which is the responsibility of the EHS consultant.</p> <p>54. The architect is not responsible for the design of the building's occupational health and safety, which is the responsibility of the OHS consultant.</p> <p>55. The architect is not responsible for the design of the building's safety management, which is the responsibility of the safety management consultant.</p> <p>56. The architect is not responsible for the design of the building's safety culture, which is the responsibility of the safety culture consultant.</p> <p>57. The architect is not responsible for the design of the building's safety training, which is the responsibility of the safety training consultant.</p> <p>58. The architect is not responsible for the design of the building's safety audits, which is the responsibility of the safety audits consultant.</p> <p>59. The architect is not responsible for the design of the building's safety inspections, which is the responsibility of the safety inspections consultant.</p> <p>60. The architect is not responsible for the design of the building's safety investigations, which is the responsibility of the safety investigations consultant.</p> <p>61. The architect is not responsible for the design of the building's safety reporting, which is the responsibility of the safety reporting consultant.</p> <p>62. The architect is not responsible for the design of the building's safety communication, which is the responsibility of the safety communication consultant.</p> <p>63. The architect is not responsible for the design of the building's safety documentation, which is the responsibility of the safety documentation consultant.</p> <p>64. The architect is not responsible for the design of the building's safety records, which is the responsibility of the safety records consultant.</p> <p>65. The architect is not responsible for the design of the building's safety data, which is the responsibility of the safety data consultant.</p> <p>66. The architect is not responsible for the design of the building's safety analysis, which is the responsibility of the safety analysis consultant.</p> <p>67. The architect is not responsible for the design of the building's safety assessment, which is the responsibility of the safety assessment consultant.</p> <p>68. The architect is not responsible for the design of the building's safety evaluation, which is the responsibility of the safety evaluation consultant.</p> <p>69. The architect is not responsible for the design of the building's safety review, which is the responsibility of the safety review consultant.</p> <p>70. The architect is not responsible for the design of the building's safety improvement, which is the responsibility of the safety improvement consultant.</p> <p>71. The architect is not responsible for the design of the building's safety innovation, which is the responsibility of the safety innovation consultant.</p> <p>72. The architect is not responsible for the design of the building's safety research, which is the responsibility of the safety research consultant.</p> <p>73. The architect is not responsible for the design of the building's safety development, which is the responsibility of the safety development consultant.</p> <p>74. The architect is not responsible for the design of the building's safety implementation, which is the responsibility of the safety implementation consultant.</p> <p>75. The architect is not responsible for the design of the building's safety integration, which is the responsibility of the safety integration consultant.</p> <p>76. The architect is not responsible for the design of the building's safety optimization, which is the responsibility of the safety optimization consultant.</p> <p>77. The architect is not responsible for the design of the building's safety maximization, which is the responsibility of the safety maximization consultant.</p> <p>78. The architect is not responsible for the design of the building's safety minimization, which is the responsibility of the safety minimization consultant.</p> <p>79. The architect is not responsible for the design of the building's safety reduction, which is the responsibility of the safety reduction consultant.</p> <p>80. The architect is not responsible for the design of the building's safety elimination, which is the responsibility of the safety elimination consultant.</p>	
<p><b>HEALTH &amp; SAFETY HAZARDS</b></p> <p>1. Refer to the Health and Safety File for details of the building's health and safety hazards.</p> <p>2. The architect is not responsible for the design of the building's health and safety hazards, which are the responsibility of the health and safety consultant.</p>	
<p><b>QUALITY CONTROL</b></p> <p>1. The architect is not responsible for the design of the building's quality control, which is the responsibility of the quality control consultant.</p>	
<p><b>OPERATION &amp; MAINTENANCE</b></p> <p>1. The architect is not responsible for the design of the building's operation and maintenance, which is the responsibility of the operation and maintenance consultant.</p>	
<p><b>DISMANTLING STAGE</b></p> <p>1. The architect is not responsible for the design of the building's dismantling stage, which is the responsibility of the dismantling stage consultant.</p>	
<p><b>REVISIONS</b></p> <p>1. The architect is not responsible for the design of the building's revisions, which is the responsibility of the revisions consultant.</p>	
<p><b>Change of Use Application Purpose</b></p> <p>1. The architect is not responsible for the design of the building's change of use application purpose, which is the responsibility of the change of use application purpose consultant.</p>	
<p><b>CARIS ARCHITECTURE</b></p> <p>1. The architect is not responsible for the design of the building's Caris Architecture, which is the responsibility of the Caris Architecture consultant.</p>	
<p><b>PROPOSED INDICATIVE PLANS AND ELEVATIONS</b></p> <p>1. The architect is not responsible for the design of the building's proposed indicative plans and elevations, which is the responsibility of the proposed indicative plans and elevations consultant.</p>	
<p><b>DATE: 15 FEB 2014</b></p> <p>1. The architect is not responsible for the design of the building's date, which is the responsibility of the date consultant.</p>	
<p><b>PROJECT: The Old Custom House, 40 Key Street, Lynton, SOH1 3AS</b></p> <p>1. The architect is not responsible for the design of the building's project, which is the responsibility of the project consultant.</p>	
<p><b>CLIENT: Mr Peter Fields</b></p> <p>1. The architect is not responsible for the design of the building's client, which is the responsibility of the client consultant.</p>	
<p><b>SCALE: 21:50, P.13</b></p> <p>1. The architect is not responsible for the design of the building's scale, which is the responsibility of the scale consultant.</p>	
<p><b>NO. A</b></p> <p>1. The architect is not responsible for the design of the building's no., which is the responsibility of the no. consultant.</p>	

\* Objection

VERONICA POWELL  
19 MIDDLE ROAD  
LYMINGTON  
HANTS  
SO41 9HE

N.F.D.C. Licencing Dept.

Appletree Court,  
Beaulieu Rd,  
Lyndhurst,  
SO43 7PA  
21/07/2014.



RE. CELLAR TASTING HOUSE & WINE MERCHANT.  
The Old Custom House 4C Quay St.

As the owner of No 1 Quay St. immediately opposite, I object most strongly to the issue of a licence to allow general consumption of alcohol on these premises. There appears to be no provision for any sound limitation within the shop and undoubtedly the front door will be open for long periods causing disturbance to my tenants. The proposed hours are much too long and too late and will certainly badly affect my resident in the upper flat. I can envisage many complaints being made to the Police and the Licencing authority in the future. I suggest that activities be limited to off sales and tasting relative to those wines which the customer is purchasing.

Yours Sincerely,

V.E.Powell (Mrs) Owner No 1 Quay St.

---

HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

JUNE 2014

**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. 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 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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.

2.7 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. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

### **Public safety**

2.8 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 virus) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 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 2.13-2.15, 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).

2.10 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 (8.34-8.42), 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**

2.11 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**

2.12 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**

2.13 “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.

2.14 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

2.15 Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, 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 those premises should be.

2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.

2.17 Public safety includes the safety of performers appearing at any premises.

**Public nuisance**

2.18 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.

2.19 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 is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.

2.20 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 more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 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.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 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.

2.24 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 and to respect the rights of people living nearby to a peaceful night.

### **Protection of children from harm**

2.25 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 with alcohol 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).

2.26 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.

2.27 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.

2.28 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.

2.29 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.

2.30 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.

2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.32 Licensing authorities should give considerable weight to representations about child protection matters.

2.33 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.

2.34 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.



HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

JUNE 2014

### **DETERMINING APPLICATIONS**

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

9.38 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.

9.39 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.

9.40 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. Whilst 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.