



WAVERLEY BOROUGH COUNCIL

Licensing Team, Chief Executive's Dept, Waverley Borough Council, The Burys, Godalming,
Surrey GU7 1HR

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 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 FARNCOMBE CRICKET CLUB (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 <u>FARNCOMBE CRICKET CLUB</u> <u>BROADWATER PARK</u> <u>SUMMERS ROAD</u> <u>FARNCOMBE</u>	
Post town <u>GODALMING</u>	Post code <u>G07 8BJ</u>

Telephone number at premises (if any)

07891 443154

Non domestic rateable value of premises

£ 2,275.00

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- Please tick ✓
- 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)

Please tick ✓

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

- 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

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email 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 ✓

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

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

Name	FARNCOMBE CRICKET CLUB
Address	BROADWATER PARK SUMMERS ROAD FARNCOMBE GU7 3BJ
Registered number (where applicable)	N/A
Description of applicant (for example, partnership, company, unincorporated association etc.)	CRICKET CLUB
Telephone number (if any)	07891 443154
E-mail address (optional)	treasurer@farncombecc.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	10	2013

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

Day	Month	Year

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

FARNCOMBE CRICKET CLUB, CLUBHOUSE/
PAVILION AND OUTSIDE PATIO AREA
AS SHOWN IN ATTACHED PLAN.

THE PREMISES CAN BE OPEN TO
CLUB MEMBERS AND THEIR GUESTS
SEVEN DAYS A WEEK.

THE PREMISES ARE ALSO
AVAILABLE FOR HIRE TO
MEMBERS FOR PRIVATE FUNCTIONS.

If 5000 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 Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

- | | |
|---|-------------------------------------|
| a) plays (If ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performance of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| l) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (l) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
					<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 3) BOTH AMPLIFIED AND UNAMPLIFIED MUSIC. LIVE MUSIC ON SPECIAL OCCASIONS ONLY		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur			NONE		
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) BANK HOLIDAYS, CHRISTMAS EVE AND NEW YEAR'S EVE - IF THESE FALL ON A WEEKDAY.		
	19.00	23.00			
Sat	19.00	23.00			
Sun					
	19.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) CD / RADIO / TV MUSIC CHANNELS DISCOS HIRED FOR PRIVATE PARTIES BY MEMBERS.		
	19.00	23.00			
Tue					
	19.00	23.00			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
	19.00	23.00			
Thur			NONE		
	19.00	23.00			
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
	19.00	23.00			
Sat	11.00				
		23.00	NONE		
Sun	11.00				
		22.00			

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11.00	24.00	State any seasonal variations for the sale of alcohol (please read guidance note 4) NONE	Both	<input checked="" type="checkbox"/>
Tue	11.00	24.00			
Wed	11.00	24.00			
Thur	11.00	24.00		Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5) BANK HOLIDAYS, CHRISTMAS EVE AND NEW YEAR'S EVE IF THESE FALL ON A SUNDAY - HOURS TO BE 12.00 - 23.30	
Fri	11.00	24.00			
Sat	11.00	24.00			
Sun	12.00	22.30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	JENNIE LOUISE MILLER
Address	30 ELIZABETH COURT ELIZABETH ROAD, FARNCOMBE GODALMING, SURREY
Postcode	GU7 3QZ
Personal licence number (if known)	LN/000004476
Issuing licensing authority (if known)	WAVERLEY BOROUGH COUNCIL
Personal licence expiry date (if known)	7/8/2023

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	<p>NONE</p> <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)</p> <p>NONE</p>
Mon	09.00		
		00.30	
Tue	09.00		
		00.30	
Wed	09.00		
		00.30	
Thur	09.00		
		00.30	
Fri	09.00		
		00.30	
Sat	09.00		
		00.30	
Sun	09.00		
		23.30	

P

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

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

STRONG MANAGEMENT CONTROL
STAFF TRAINING
PREMISES OPEN TO CLUB MEMBERS
AND THEIR GUESTS ONLY

b) The prevention of crime and disorder

STRONG MANAGEMENT CONTROL
STAFF TRAINING
PARTICIPATION IN PUB WATCH

c) Public safety

STRONG MANAGEMENT CONTROL
STAFF TRAINING
SAFETY NOTICES DISPLAYED
FIRE EXTINGUISHERS / EXITS
OUTSIDE LIGHTING

d) The prevention of public nuisance

STRONG MANAGEMENT CONTROL
STAFF TRAINING
COMMUNICATION WITH LOCAL RESIDENTS
DECIBEL READER FOR NOISE CONTAINMENT
SENSIBLE FINISHING TIMES FOR MUSIC.

e) The protection of children from harm

STRONG MANAGEMENT CONTROL
STAFF TRAINING
CHALLENGE 25
DEDICATED WELFARE OFFICER
FARNCOMBE CC IS 'CLUB MARKED'
UNDER ECB REGULATIONS.

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the Individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

✓
✓
✓
✓
✓
✓

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

Part 4 – Signatures (please read guidance note 10)

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

Signature: TREVR JAGGARD
 Date: 17/8/13
 Capacity: CHAIRMAN, FARNCOMBE CRICKET CLUB.

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature: N/A
 Date: _____
 Capacity: _____

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
MR KEVIN HOLCOMBE TREASURER, FCC 79 FARNCOMBE STREET GODALMING	
Post town	Post code
GODALMING	G07 3LN
Telephone number (if any)	
07764 171534	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
treasurer@farncombecc.com	



Licensing Act 2003
Club Certificate - Summary

Farncombe Cricket Club Summers Road Farncombe Godalming Surrey GU7 3BJ	Licence number:	LN/000000101	
	Valid from:	24th November 2005	
	Valid until:		
	Telephone:	01483 414511	
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Supply of Alcohol	Monday - Saturday	10:00	23:00
	Sunday	12:00	22:30
Non-standard Timings:	Good Friday 1200 - 2230. Christmas Day hours shall:- i. not exceed six and a half hours; ii. not begin earlier than noon; iii. not end later than 2230; iv. provide for a break of at least 2 hours, including 1500-1700; v. not extend for more than three and a half hours after 1700. New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

The opening hours of the premises: -

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises: On and off the premises

Name & (registered) address of holder of premises licence: Farncombe Cricket Club
Summers Road
Farncombe
Godalming
Surrey
GU7 3BJ

Registered number of holder, for example company number, charity number (where applicable): N/A

Whether access to the premises by children is restricted or prohibited: No restrictions

Licensing Act 2003
Club Certificate - Detail



Farncombe Cricket Club Summers Road Farncombe Godalming Surrey GU7 3BJ	Licence number:		LN/000000101
	Valid from:		24th November 2005
	Valid until		
	Telephone:		01483 414511
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Supply of Alcohol	Monday - Saturday	10:00	23:00
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Non-standard Timings:	Good Friday 1200 - 2230. Christmas Day hours shall:- i. not exceed six and a half hours; ii. not begin earlier than noon; iii. not end later than 2230; iv. provide for a break of at least 2 hours, including 1500-1700; v. not extend for more than three and a half hours after 1700. New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

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Summers Road
Farncombe
Godalming
Surrey
GU7 3BJ

Registered number of holder, for example company number, charity number (where applicable): N/A

Whether access to the premises by children is restricted or prohibited: No restrictions

Annexe 1 – Mandatory Conditions

Alcohol – Club

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises. A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

- The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Annexe 2 – Conditions consistent with the operating schedule

Alcohol Supply	Monday	10:00 hours to 23:00 hours
	Tuesday	10:00 hours to 23:00 hours
	Wednesday	10:00 hours to 23:00 hours
	Thursday	10:00 hours to 23:00 hours
	Friday	10:00 hours to 23:00 hours
	Saturday	10:00 hours to 23:00 hours
	Sunday	12:00 hours to 22:30 hours

Further Detail

N/A

Non-Standard Timing

Good Friday 1200 - 2230.

Christmas Day hours shall:-

- i. not exceed six and a half hours;
- ii. not begin earlier than noon;
- iii. not end later than 2230;
- iv. provide for a break of at least 2 hours, including 1500-1700;
- v. not extend for more than three and a half hours after 1700.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Supply of alcohol to be for consumption : On and off the premises

Embedded Restrictions : Club

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 1000-2300
- b) On Sundays, other than Christmas Day or New Year's Eve, 1200-2230

- c) On Good Friday, 1200-2230
- d) On New Year's Eve, except on a Sunday, 1000-2300
- e) On New Year's Eve on a Sunday, 1200-2230
- f) On Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the Licensing Authority in which the premises are. The said hours shall:
 - i. not exceed six and a half hours;
 - ii. not begin earlier than noon;
 - iii. not end later than 2230;
 - iv. provide for a break of at least 2 hours, including 1500-1700;
 - v. not extend for more than three and a half hours after 1700;
- g) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) the supply to, or consumption by, any person of alcohol in any premises where they are residing;
- b) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- c) the taking of the alcohol from the premises (unless the alcohol is supplied or taken in an open vessel), during the first twenty minutes after the above hours;
- d) the consumption of the alcohol on the premises by persons taking table meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- e) the consumption of the alcohol on the premises by, or, the taking sale or supply of alcohol to any person residing in the licensed premises;
- f) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- g) the sale of alcohol to a trader or club for the purposes of the trade or club;
- h) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- i) the taking of alcohol from the premises by a person residing there; or
- j) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- k) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

The licensee may also provide and permit entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of karaoke, disk jockeys, comperes etc).

Annexe 3 – Conditions attached after a hearing by the Licensing Authority

N/A

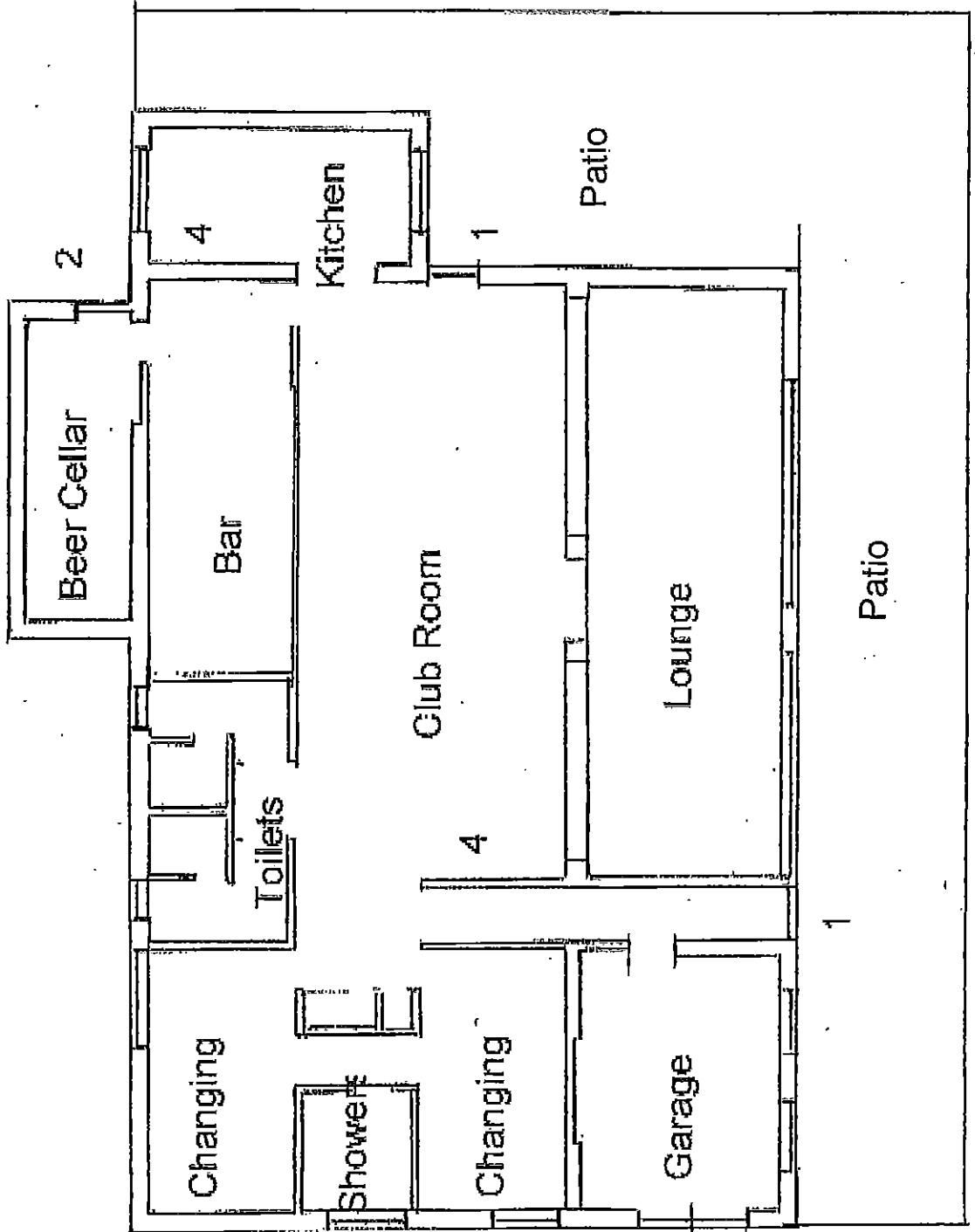
Annexe 4 – Plans

Attached

Farncombe Cricket Club
 Summers Road
 Farncombe GU7 3BJ

Existing Floor Plan
 Scale 1:100

- Legend
- 1 Main structure
 - 2 Cellar entry
 - 3 Garage entry
 - 4 Fire safety equipment



www.mir.com



Our Ref: 10378 WVC
Your Ref:



■ SURREY ■
POLICE

Licensing Officer
Waverley Borough Council
Council Offices
The Burys
Godalming
Surrey
GU7 1HR

Pete Hathaway
Waverley Licensing Officer

1st October 2013

Dear Sir/Madam,

Licensing Act 2003 – Application for Premises Licence

Premises: Farncombe Cricket Club, Summers Road, Farncombe

We have been in negotiations with the applicants and understand that they have now submitted an amendment to the application to include the following conditions:

Section E - Live Music

To be amended to indoors only

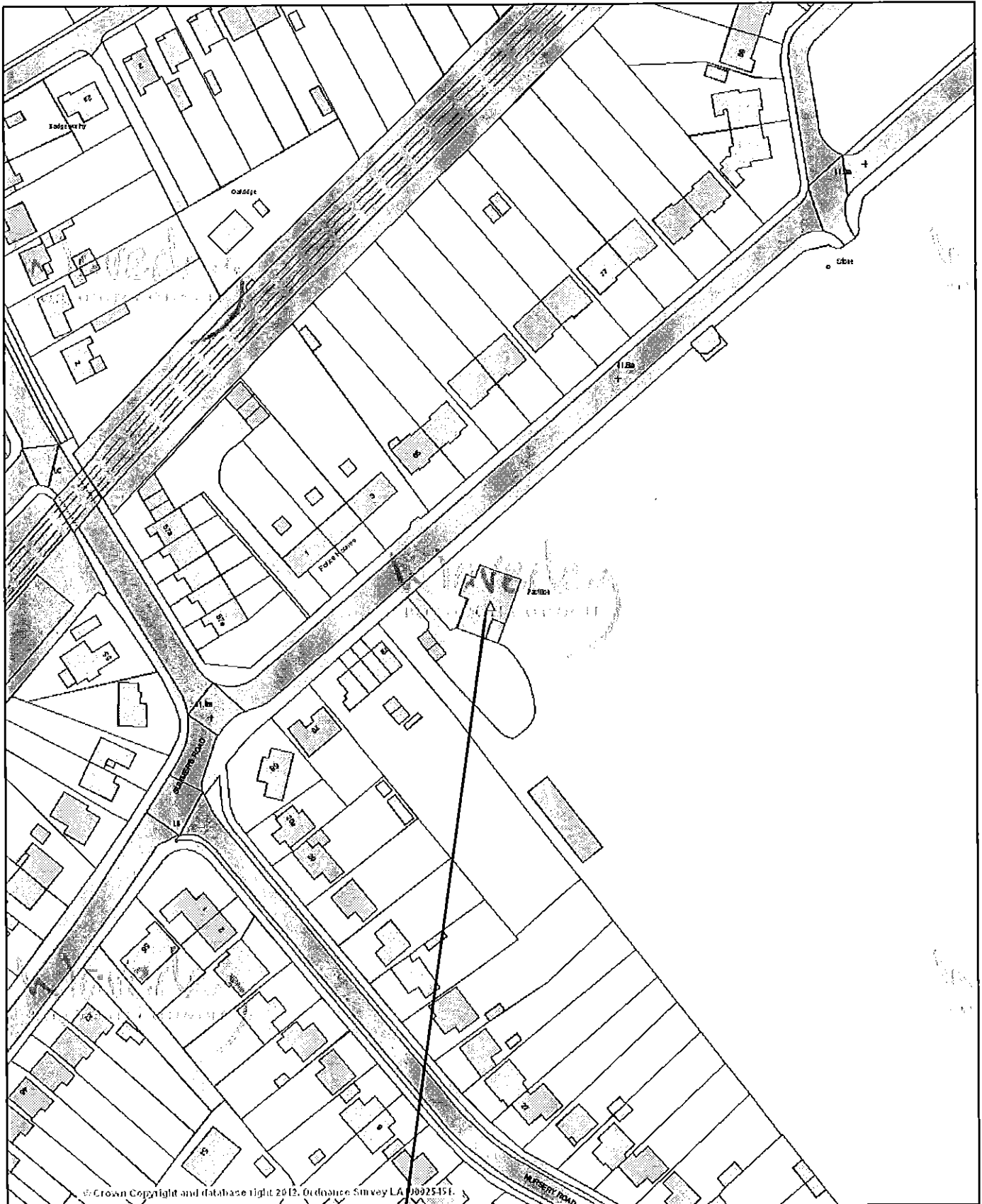
1. The licence holder shall maintain a comprehensive digital colour CCTV system at the premises. The system will be maintained and operational at all times the premises are open for business. Recordings shall be available for a minimum of 28 days and shall be made available upon reasonable request to an authorised officer or police officer together with facilities for viewing. There will be a capability to download to CD/DVD.
2. Staff engaged in the sale of alcohol shall be trained in the law relating to the sale/supply of alcohol and written records will be kept for inspection. This will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There will be an ongoing training regime with refresher/reinforcement training at intervals of no more than six months.
3. The premises will operate a Challenge 21 policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
4. Outside areas will not be used for the consumption of alcohol or food after 22:30.

5. No glasses or bottles will be allowed to be taken outside after 22:30.
6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Borough Council or the Police, which will record the following:
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. Any incidents of disorder
 - d. Seizures of drugs or offensive weapons
 - e. Any faults in the CCTV system
 - f. Any refusal of the sale of alcohol
 - g. Any visit by a relevant authority or emergency service
7. Off Sales: Alcohol shall not be sold/supplied in open containers.
8. All external doors and windows will be kept closed during musical entertainment and in any case after 23:00, except for access to and egress from the premises.
9. Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly
10. The premises shall only be used by club members and their guests except when it is hired out for private functions or Club functions open to the general public.
11. Private functions will be booked in advance and shall be booked under a written hire agreement.
12. The club shall operate under club rules and under these rules a person may not be admitted to membership, or be admitted as candidates for membership or to any of the privileges of membership without an interval of at least two days between their nomination or application for membership and their admission.
13. A register of all members shall be kept at the premises.

This now allays our concerns and therefore Surrey Police have no objections to the grant of a premises licence under Section 17 of the Licensing Act 2003.

Yours faithfully,

Peter Hathaway
Waverley Licensing Officer



Waverley Borough Council
The Bury, Godalming, Surrey
GU7 1HR
Telephone: 01483 523333
Fax No: 01483 523118



Farncombe Cricket Club

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Scale 1/1250 Date 28/10/2013

Centre = 497847 E 145275 N





Kate Halsall

From: Monday 23 September 2013 12:04
Sent: Licensing Policy
To: (1)
Subject: Licensing Act 2003 - Notice of Application for a New Premise Licence relating to Farncombe Cricket Club, Summers Road, Farncombe.

Sir/Madam,

With reference to the above application, I wish to lodge an objection on a number of grounds.

I also wish to notify you that the application is not displayed at the road side, at the premises and therefor is not known by the majority of local residents.

Please advise what my next step is in the objection process.

Thanks,

Kate Halsall

From: ②
Sent: Monday 23 September 2013 15:06
To: Licensing Policy
Subject: Farncombe Cricket Club

I live in Summers Road, close to the cricket club. I am used to the occasional parties and functions held there and know that they are invariably very noisy and end very late. One has learned to be tolerant, although the last celebration which ended after 11.15 pm was particularly tiresome.

The notice of application by the cricket club in Broadwater Park for a New Premises Licence came to my notice today, 23rd September. The notice is situated so as to be visible only from the recreation ground and may have been there for some time. Significantly, immediately next to it there is another notice offering the use of the premises for private functions. This suggests an intention to alter the use of the premises; no longer a cricket club but a commercial enterprise.

If the application is successful, residents of the houses nearby will be subject to much more loud "music" more frequently. Therefore I ask, for myself and many of my neighbours, that the application be denied.

The application betrays complete disregard for its impact, if granted, on the (predominately) elderly residents of properties nearby, many of whom moved into Summers Road years ago and appreciated its tranquility. Progress and change are inevitable, but the grant of this application would result in a substantial alteration of use totally out of character in the surroundings. Is not the provision of beer and wine for cricketers and their guests on match and practice days sufficient to the needs of a cricket club?

I think there would be more responses to the Notice if it could be seen from the pavement.

23rd September 2013.

Licensing Section,
Waverley Borough Council
Council Offices
The Bumps
Godalming
SURREY
GU7 1HR.

(3)

Dear Sirs.

Re: New Premises Licence
Relativp to Farncombe
Cricket Club.

My husband and I strongly
object to the new premises licence
relativp to Farncombe Cricket Club,
which is within a quiet residential area.

① Firstly the sale of alcohol (2)

11 am - midnight Monday - Saturday
12 mid day to 10.30 pm on Sundays.

We feel that this will produce anti-social behaviour during licencing hours and late at night when people leave.

② The performance of live music, both amplified & unamplified, indoors & out Friday, Saturday & Sunday 7 - 11 pm.
Also music inside week day evenings 7 pm - 11 pm & week-ends 11 am - 11 pm.

This music coupled with the sale of alcohol will be a nightmare for the residents of Farncombe.

Surely there are enough venues selling alcohol & playing music around the Farncombe area that we do not need to encroach on a facility needed for sport & recreation for

③

families.

We have moved to this area to be near our grandchildren in our retirement and a venue with loud music & alcohol sales, potentially on every day of the week, will completely ruin our lives.

Surely Broadwater Park is for the enjoyment of children & families within this quiet residential area.

We feel the park will be spoilt and the lives of the people who live locally will be ruined, if this licence is granted.

We are therefore asking that permission is refused.
Yours truly

Kate Halsall

From:
Sent: Tuesday 24 September 2013 09:18
To: (4)
Subject: Licensing Policy
Application for a new premises licence relating to Farncombe Cricket Club

Importance: High

To whom it may concern: Licensing Section

Dear Sir/Madam

I live at [redacted] In a cottage very close to the Farncombe Cricket Club.
I write to express my **strongest objection** to the application for a new license to sell alcohol and the performance of live music/recorded music at the venue. During the cricket clubs 25 year anniversary party in the summer there was disruption which we, as neighbours did not largely object to as it was a one-off. The allowance of the new licence would have a seriously detrimental effect on the peace and tranquility of my garden and the surrounding environment. This in turn would seriously affect the long term value of my property and that of my immediate neighbours.

In particular, I would be deeply concerned about increased pedestrian traffic/rubbish on Summers Road which is already noisy at night, and particularly people who have been drinking and who have no respect for how much their voices carry.

The application for a music licence would absolutely destroy the peace and sanctity of my garden, and those of my neighbours in which we hear largely birdsong and nothing more.

This is a peaceful, residential area, and I would implore you to keep it that way by refusing this ludicrous licence application. If I had wanted to live next door to a public house, then I would have done so.

I have, in addition, signed a petition prepared by one of my neighbours opposing the licence application. I cannot express enough how strongly opposed to this application I am.

Yours faithfully

Kate Halsall

From:

Sent:

To:

Subject:

(5)

Thursday 26 September 2013 18:36
Licensing Policy
Farncombe Cricket Club

To whom it may concern: Licensing Section

Dear Sir/Madam

I live at . in a cottage right next door to the Farncombe Cricket Club.
I write to express my **strongest objection** to the application for the performance of live music/recorded music at the venue. During the cricket clubs 25 year anniversary party in the summer there was disruption which we, as neighbours did not largely object to as it was a one-off. The allowance of the new licence would have a seriously detrimental effect on the peace and tranquillity of my home and the surrounding environment. This in turn would seriously affect the long term value of my property and that of my immediate neighbours.

In particular, I would be deeply concerned about increased pedestrian traffic/rubbish on Summers Road which is already noisy at night, and particularly people who have been drinking and who have no respect for how much their voices carry.

The application for a music licence would absolutely destroy the peace and sanctity of my home, and those of my neighbours in which we hear largely birdsong and nothing more.

This is a peaceful, residential area, and I would implore you to keep it that way by **refusing** this licence application. If I had wanted to live next door to a public house, that has loud music late @ night, then I would have done so.

I have, in addition, signed a petition prepared by one of my neighbours opposing the licence application. I cannot express enough how strongly opposed to this application I am.

Yours faithfully

To whom it may concern: Licensing Section

Dear Sir/Madam

I live at _____ in a cottage right next door to the Farncombe Cricket Club. I write to express my **strongest objection** to the application for the performance of live music/recorded music at the venue. During the cricket clubs 25 year anniversary party in the summer there was disruption which we, as neighbours did not largely object to as it was a one-off. The allowance of the new licence would have a seriously detrimental effect on the peace and tranquillity of my home and the surrounding environment. This in turn would seriously affect the long term value of my property and that of my immediate neighbours.

In particular, I would be deeply concerned about increased pedestrian traffic/rubbish on Summers Road which is already noisy at night, and particularly people who have been drinking and who have no respect for how much their voices carry. The application for a music licence would absolutely destroy the peace and sanctity of my home, and those of my neighbours in which we hear largely birdsong and nothing more.

This is a peaceful, residential area, and I would implore you to keep it that way by **refusing** this licence application. If I had wanted to live next door to a public house, that has loud music late @ night, then I would have done so.

I have, in addition, signed a petition prepared by one of my neighbours opposing the licence application.

I cannot express enough how strongly opposed to this application I am.

Yours faithfully

WAVENLEY B.C.	
CHILDREN'S CLUBS	
OFFICE	
PRM	
DATE	02 OCT 2013
DATE ACCE	
CLASS	
SUB	
ACK CODE	
REF	

26 September 2013

Mr Paul Hughes
Licensing Section
Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

WAVENLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
PRN	
DATE	27 SEP 2013 REC'D
DATE ACQ:	
PASS TO FOR ATTN:	
AGK CODE:	
FILE NO:	

6.

Dear Mr Hughes


Licence for Farncombe Cricket Club, Cricket Pavillion Farncombe Cc, Broadwater Park, Summers Road, Godalming. GU7 3BJ

We understand that Farncombe Cricket Club have applied for a licence to play 'both amplified and unamplified music indoors and outdoors' on Friday, Saturday and Sunday evenings until 23.00 hours. As residents of Summers Road we are very concerned about the noise that will be heard for those of us living in the vicinity. Farncombe Cricket Club is situated close to residential property and this would be most inappropriate. We also notice that they are planning to serve liquor until midnight 6 days a week, with the premises not being closed until half an hour later. We have grave concerns about the noise that this will create when the members and their guests leave. We note at present that they have a license till 23.00 and feel this is adequate for their needs.

Please take this letter as an objection to the extension of hours and the playing of music.

Yours sincerely

Kate Halsall

From: licensing@waverley.gov.uk
Sent: Friday 27 September 2013 13:34
To:  Licensing Policy
Subject: WK/201304656 : Representation received

Address: Farncombe Cricket Club, Cricket Pavilion Farncombe Cc, Broadwater Park, Summers Road, Farncombe, Godalming, Surrey, GU7 3BJ

Please check above worksheet for representation received online

I am concerned on two counts about this application: firstly, the potential environmental impact of the noise of the music being played as it states indoors and outdoors, if this was amplified it would be very disturbing for the many young children who live in Nursery Road and make life for their parents difficult in trying to get children to go to sleep and stay asleep. Secondly, I have concerns about the "party" element of the proposed application - private parties often have a habit of being alcohol frenzies and to have drunken behaviour outside the club (for the same reasons above) would be upsetting for residents, young children in particular This is a residential area with many young children and babies living in Nursery Road which aligns the park and sits directly behind the cricket club. I object for the reasons above

Kate Halsall

From:

Sent:

To:

Subject:

8

Saturday 28 September 2013 14:24

Licensing Policy

FARNCOMBE CRICKET CLUB APPLICATION FOR ALCOHOL AND MUSIC

Dear Sir

As residents living within the park for over 25 years and some 200 mtrs from the Cricket Club, we have on occasions been disturbed by music and loud voices emanating from social events, even when our double glazed windows are closed and watching TVI. We have reluctantly accepted this and never complained in the past, but feel this application for increased alcohol and music use both inside and out, will be the cause of much disturbance and complaint from local residents and park users.

It is appreciated that in modern times the thwack of leather on willow and the clink of tea cups may be old fashioned. However, this application does seem to be commercially driven for activities other than those one would hope for and expect from a cricket club, in a park and surrounded by a large number of private residential properties.

9

To whom it may concern: Licensing Section

Dear Sir/Madam

I live at in a cottage right next door to the Farncombe Cricket Club. I write to express my **strongest objection** to the application for the performance of live music/recorded music at the venue. During the cricket clubs 25 year anniversary party in the summer there was disruption which we, as neighbours did not largely object to as it was a one-off. The allowance of the new licence would have a seriously detrimental effect on the peace and tranquillity of my home and the surrounding environment. This in turn would seriously affect the long term value of my property and that of my immediate neighbours.

In particular, I would be deeply concerned about increased pedestrian traffic/rubbish on Summers Road which is already noisy at night, and particularly people who have been drinking and who have no respect for how much their voices carry. The application for a music licence would absolutely destroy the peace and sanctity of my home, and those of my neighbours in which we hear largely birdsong and nothing more.

This is a peaceful, residential area, and I would implore you to keep it that way by **refusing** this licence application. If I had wanted to live next door to a public house, that has loud music late @ night, then I would have done so.

I have, in addition, signed a petition prepared by one of my neighbours opposing the licence application. I cannot express enough how strongly opposed to this application I am.

Yours faithfully

WAVENLEY	
CHIEF EXECUTIVE	
PRM	
DATE	30 SEP 2013
DATE ACQ:	
PASS TO	
FOR ATTY	
AGR DOCT	
FILE NO	

RECEIVED

30 SEP 2013

To the Licensing Section
Waverley Borough Council
Council Offices
GU7 1HR

(10)

23rd September 2013

Re: New Premises Licence

Farncombe Cricket Club: Noise Pollution: Quality of Life

We are residents of properties close to the cricket club in Summers Road.

We are of the opinion that the requested periods of availability of alcoholic beverages are out of proportion to the genuine needs of this Cricket Club. We understand that players and their guests may wish to enjoy a drink when matches are played and when members attend for practice and occasional socialising. There are, however public houses where drinks are regularly available for late evening drinking. We notice that the club advertises itself as a venue for "functions" presumably to generate income and we do not see why we should have to tolerate the proposed extra noise ("amplified music inside and outside") going on until midnight, with the attendant drinking- as applied for, so the club can make a profit.

This is a small club in a public open space provided originally for public enjoyment of the open air. It is close to many houses whose occupants are already used to the unreasonable noise that comes from the club time to time and we want less, not more.

The signatures hereunder are of those who respectfully urge the Licensing Committee to protect the neighbours of Farncombe Cricket Club from any more late night noise and disruption by not granting the application. This is a reasonable request.

11

25.09.13

Ref. Licensing application for Farncombe Cricket Club.(Broadwater Park)

Dear Sir / Madam,

I wish to object to the above application. The reason for this is due to the concern I have over unacceptable noise particularly in relation to amplified music both inside and out.

The club held an event with outside amplified music recently and I have to say the noise that we experienced from this was offensive to say the least. We were having a family get together in our garden and we had to go inside and we still could not escape it. This loud music went on until 11.15 to 11.20 which was unacceptable, showing scant regard for residents in Summers Road and Nursery Road. Also on this evening visitors to the event totally ignored the new parking restrictions in force in Summers Road, blatantly parking on double yellow lines.

However I would have no objection to one or two "celebrations" over the course of a year but the prospect of this on an on going basis would be unreasonable to the residents of the roads I feel and will definitely open up a "can of worms".

Yours Sincerely,

1

WAVENLEY	
DATE	01 OCT 2013
NAME	
AGK COOP	
PLATE No.	

Kate Halsall

From: licensing@waverley.gov.uk
Sent: Tuesday 01 October 2013 15:45
To: Licensing Policy
Subject: WK/201304656 : Representation received

(12)

Address: Farncombe Cricket Club, Cricket Pavilion Farncombe Cc, Broadwater Park, Summers Road, Farncombe, Godalming, Surrey, GU7 3BJ

Please check above worksheet for representation received online

My family and I do not support an extension of licensing for Farncombe cricket club. Currently events and parties do happen at the club that carry on until late in the evenings which means a huge increase in noise level from live or recorded music and, on ad hoc occasions and at the weekend is acceptable and understandable as people want to have a good time and the club want to raise money. However the ability for the cricket club to have music late every evening is not acceptable and will disturb the peace of the area.

Kate Halsall

From:

Sent:

To:

Cc:

Subject:

(13)

Tuesday 01 October 2013 19:03

Licensing Policy

LICENSING APPLICATION RELATING TO FARNCOMBE CRICKET CLUB,
BROADWATER PARK, FARNCOMBE, GU7 3BH

Dear Sir or Madam

LICENSING APPLICATION RELATING TO
FARNCOMBE CRICKET CLUB, BROADWATER PARK, FARNCOMBE, GU7 3BH

The Friends of Broadwater Park Committee ask for great caution when considering this very wide ranging application.

It is appreciated that any sports club would wish to hold a few occasional social events related to their club during the year. However, this broad application is more in keeping with a public house or wine bar, requiring wide flexible commercial needs.

Many of the Friends members live nearby in Summers and Nursery Roads. Others often walk it, even in late evenings. To have such regular amplified music and alcohol sales until 11pm both inside and out has the potential of a significant environmental and loss of amenity impact on the park and its many surrounding residential neighbours, many of who bought their homes for the relative tranquillity of living adjacent to a park.

It is hoped that this application can be reduced in latitude to that more appropriate for a summer sport club house within a park that has so many residential properties in the immediate vicinity.

Yours faithfully

Kate Halsall

From:

Sent:

To:

Subject:

(14)

Thursday 03 October 2013 23:33

Licensing Policy

Representation regarding application for new premises licence - Farncombe Cricket Club

Dear Mr Hughes,

Re: Application for new premises Licence relating to Farncombe Cricket Club, Broadwater Park, GU7 3BJ.

We would like to submit an objection to the above application and the basis for this objection is the effect it will have upon us and our family at our home, , opposite the Cricket Club. We make this objection on the basis of noise levels we have previously been subjected to from events at the Cricket Club, which have caused us disturbance.

We have lived at for 6 yrs. We are not unusually sensitive to noise – we do not find the trains which pass the bottom of our garden a problem and they do not prevent us from sleeping. Also, we find the atmosphere and general sounds of an afternoon cricket match or early evening youth cricket club or BBQ appealing and a reflection of the community of this location which is a park and residential area.

However, in the past when late evening events have been held at Farncombe Cricket Club, they have prevented us from getting to sleep until the event has finished and people have dispersed. Loud music, talking/shouting/singing – sometimes involving swearing- from those who assemble outside the club (e.g. whilst drinking & smoking outside the club) and the disturbance and car noise when the event finishes all combine to keep us awake. We have thick double glazing and even with all windows shut (which is not pleasant on hot summer nights) the noise penetrates our house.

We strongly object to the current application on the basis that the noise would be permitted to be a routine occurrence, any evening of the week and all day at weekends. We particularly object to the increased hours, especially extension of hours into unsociable hours so that events could continue past midnight in a residential area, effectively meaning we could not get to sleep until 12:30am or later. We also strongly object to the inclusion of “the performance of live music both amplified and unamplified, both indoors and outdoors” at weekends. The music played indoors is already sufficiently loud to prevent us from getting to sleep, but if this was to occur outside it would be unbearable. This would be particularly detrimental to us as working people and to our school children on weekday evenings and Sunday.

The licence conflicts with the amenities available to all children in the area putting them at risk from exposure to the sale of alcohol, anti-social behaviour, increased littering and noise and disturbance at times when rest is needed. Broadwater Park is a green space to enjoy, for sporting use, for children to play in and to walk dogs. We feel strongly that facilitating drinking of alcohol off the premises in a community park within daytime hours in the week and at weekends, as well as in the evenings, is inappropriate in a park used by families and children and should be actively discouraged.

If a licence were to be granted every day of the week for extended hours for sale of alcohol for consumption on and off the premises there may be an increase in incidences of breaches of the peace and anti-social behaviour in a park which is not particularly well lit or monitored. It should be noted that there have been occasional incidences of vandalism in the past in this area as well as gatherings of youths drinking alcohol causing disturbance and this, as well as low-level nuisance (non reportable crime including shouting, swearing, urination in public, littering) will be increased. We understand that the police have worked hard in Farncombe to try to overcome such issues and feel saddened that this could be threatened.

We therefore do not believe that granting the licence would be in accordance with the Licencing Objectives of

Prevention of Crime and Disorder

Prevention of Public Nuisance

Protection of Children from Harm

for the reasons we have stated above.

As a working couple with children all members of our family require adequate rest and we believe we have a right to this considering the quite residential nature of this area of Farncombe. We know that granting of the licence would prevent us from getting sufficient sleep, potentially every night of the week, which would inevitably case us to suffer physically and mentally.

Thank you for taking the time to seriously consider these objections.

Yours sincerely,

Kate Halsall

From:
Sent:
To:
Subject:

15

Sunday 13 October 2013 22:13
Licensing Policy
WK/201304656 : Representation received

Address: Farncombe Cricket Club, Cricket Pavilion Farncombe Cc, Broadwater Park, Summers Road, Farncombe, Godalming, Surrey, GU7 3BJ

Please check above worksheet for representation received online

The club's primary purpose is to provide a sporting venue and association for all ages to play cricket. We see no reasonable basis for extending the club's alcohol licensing times beyond the normal public house licensing hours, or in allowing it to provide live music indoors and especially outdoors on a permanent basis. We believe that both of these changes - regardless of the 'conditions' of the licence requiring the club to prevent a public nuisance and crime and disorder - are likely to lead to significantly more disruption for local residents. We note that the club has in the past requested temporary licences for special occasions such as for its 75th Anniversary in August of this year and believe that this is an entirely reasonable and appropriate way in which to handle any extension to the club's existing licence. We are not opposed, in principle, to the licence to play recorded music indoors, provided that the appropriate supervision is in place to regulate noise pollution.

Kate Halsall

From:
Sent: Tuesday 22 October 2013 22:17
To: Licensing Policy
Subject: relating to farncombe cricket club

16

I am agents the application for licensing at farncombe cricket club

the sale of alcohol for consumption on or off the premises 11am to midnight mon-sat.
the performance of live music both amplified and unamplified both indoors and outdoors

Hearings

- 9.27 Regulations 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, the applicant and all of the persons who made relevant representations. 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.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. 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.
- 9.29 Regulations made under the 2003 Act 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.
- 9.30 Applicants should be encouraged to contact responsible authorities 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.
- 9.31 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.
- 9.32 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.
- 9.33 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.
- 9.34 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.

- 9.35 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.
- 9.36 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.
- 9.37 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

- 9.38 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.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.14 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.15 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major art and pop festivals, carnivals, fairs and circuses

- 10.16 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.
- 10.17 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.18 In the case of circuses and fairgrounds, much will depend on the content of any entertainment presented. For example, at fairgrounds, a good deal of the musical entertainment may be incidental to the main attractions and rides at the fair that are not themselves regulated entertainment.
- 10.19 In addition, in the context of festivals and carnivals, local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.20 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives.
- 10.21 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the

particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

- 10.22 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.23 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.24 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated Premises Supervisor

- 10.25 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.26 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.27 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

10.28 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.29 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.30 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.31 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.32 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.33 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.34 It must be remembered that whilst the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder

remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.35 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification and small measures) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.36 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.37 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.38 Under this condition, the "responsible person" (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have taken all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.

Drinking games

- 10.39 Irresponsible promotions can include activities, whether drinking games or not, which may require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise. For example, this may include organised 'drink downing' competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit 'happy hours' as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.40 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or "all you can drink for £10". This condition does not apply to a promotion or discount on alcohol for consumption with a table meal. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.41 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, "Buy one and get two free" and "Buy one cocktail and get a second cocktail for 25p". This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Sporting events

10.42 Irresponsible promotions can include the provision of alcohol for free or for a discounted price in relation to a sporting event shown on the premises, where the sale, supply or provision of alcohol depends on the outcome of a race, match or other event. For example, this may include offering unlimited drinks based on the outcome of a sporting competition. It also applies to events which are unpredictable, such as offering free double shots for every foul committed in a football match, or heavily reduced drinks for five minutes after a try is scored in a rugby match.

Posters and flyers

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.44 The responsible person (see paragraph 10.38) must ensure that no alcohol is dispensed directly by one person into the mouth of another person. For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free tap water

- 10.45 The responsible person (see paragraph 10.38) must ensure that free potable tap water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.38) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.
- 10.47 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.48 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.
- 10.49 The premises licence holder or club premises certificate holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy applied by the premises.

Smaller measures

- 10.50 The responsible person (see paragraph 10.38) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.51 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent, conspicuous place in the relevant premises (for example, at the bar).
- 10.52 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.53 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Exhibition of films

- 10.54 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 (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.
- 10.55 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.56 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.57 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).
- 10.58 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

10.59 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:

- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
- casinos or bingo halls licensed under the Gambling Act 2005;
- premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

10.60 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.

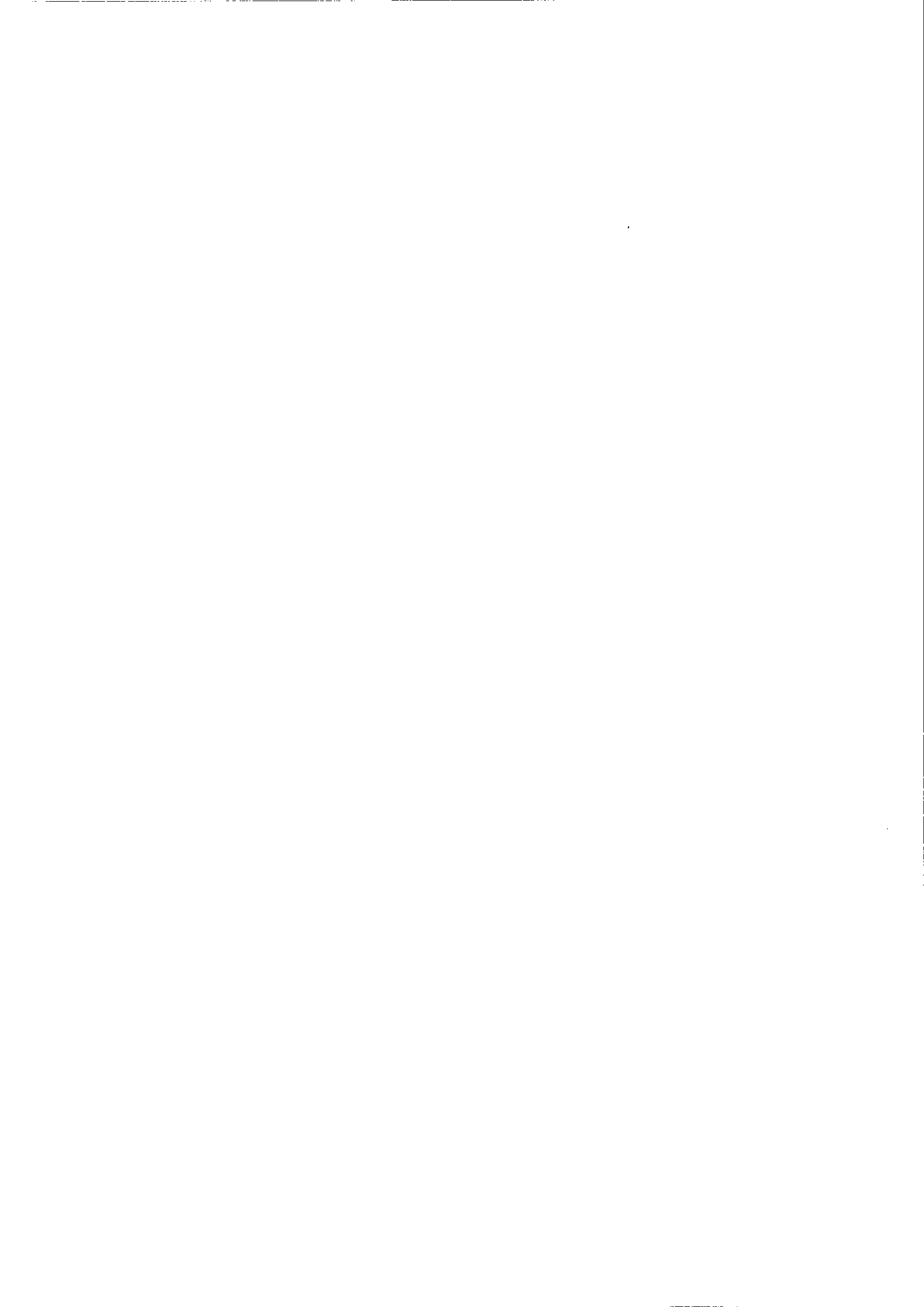
10.61 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

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, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
 - 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.



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.** 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 vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 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.

Offences relating to the sale and supply of alcohol to children

2.35 **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. For example, 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
Section 145	Unaccompanied children prohibited from certain premises
Section 146	Sale of alcohol to children
Section 147	Allowing the sale of alcohol to children
Section 147A	Persistently selling alcohol to children
Section 148 ¹	Sale of liqueur confectionery to children under 16
Section 149	Purchase of alcohol by or on behalf of children
Section 150	Consumption of alcohol by children
Section 151	Delivering alcohol to children
Section 152	Sending a child to obtain alcohol
Section 153	Prohibition of unsupervised sales by children

¹ Note. The Government has announced its intention to repeal this offence, in 2013 at the earliest.

