

AGENDA

Page No

1. APOLOGIES FOR ABSENCE
2. APPLICATION FOR THE GRANT OF PREMISES LICENCE - THE POTTING SHED,
78-79 HIGH STREET, NORTHALLERTON DL7 8EN 3 - 58

Report of the Director of Law and Governance (Monitoring Officer)
3. MATTERS OF URGENCY

Any other business of which not less than 24 hours' prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

HAMBLETON
DISTRICT COUNCIL

LICENSING ACT 2003

LICENSING AND APPEALS HEARINGS PANEL

PROCEDURE

1. The hearing of matters will be less formal than hearings before, for instance, a Magistrates' Court. In particular, strict rules of evidence are not adhered to and information is not provided under oath. Nevertheless, proceedings before the Panel will observe basic rules of natural justice.
2. At the beginning of the hearing the Chairman shall:-
 - ask those present to introduce themselves;
 - explain the procedure;
 - ask the parties whether they wish permission for another person to appear at the hearing.
3. The Panel will consider whether the public should be excluded from all or any part of the hearing. This will only be done if the Panel considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.
4. The Panel will consider requests for permission for other persons to appear at the hearing. Such permission will not be unreasonably withheld.
5. The Chairman will ask the Principal Licensing Officer to outline the background to the case. The Principal Licensing Officer's role will be to provide factual information to the Panel.
6. The hearing shall take the form of a discussion led by the Panel (through the Chairman) and cross-examination shall not be permitted unless the Panel considers that cross-examination is required for it to consider the matter.

7. The Chairman is likely to ask for the views of the parties in the following order:-
 - (a) the applicant/licence holder/Notice giver (including any other persons who have been given permission to participate);
 - (b) any party making representations (including any other persons who have been given permission to participate).
8. The applicant/licence holder/Notice giver will be given the final opportunity to address the Panel.
9. Each party will be given an equal maximum period of time in which to put forward any additional information requested by the Council, to question other persons (if given permission by the Panel) and address the Panel.
10. The Panel may exclude disruptive persons in certain circumstances.
11. The Panel may adjourn the hearing in certain circumstances.
12. The Panel may ask the parties to withdraw so that it can consider its determination. In considering its determination, the Panel may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.
13. The Panel will make its determination at the end of the hearing and this will be confirmed in writing.

February 2017

HAMBLETON DISTRICT COUNCIL

Report To: Licensing and Appeals Hearings Panel
22 February 2017

From: Director of Law and Governance (Monitoring Officer)

Subject: **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE POTTING SHED, 78-79 HIGH STREET, NORTHALLERTON, DL7 8EN**

Northallerton South Ward

1.0 SUMMARY

1.1 This report asks the Panel to consider an application for the grant of a premises licence in respect of the Potting Shed, 78-79 High Street, Northallerton.

2.0 PROCEDURE

2.1 The procedure for licensing hearings is attached as an Annex to the Agenda.

3.0 APPLICATION FOR THE GRANT OF A PREMISES LICENCE

3.1 The application for the grant of a premises licence was received by the Licensing Team on 22nd December 2016 and is attached at Annex A along with a plan of the premises.

3.2 In addition to the statutory responsible authorities, the application was forwarded to Northallerton Town Council and the District Councillors for the Northallerton South Ward.

3.3 Statutory advertisements were also placed in the local newspaper and on the premises to which the application relates.

3.4 In summary, the application seeks to authorise:

- the sale of alcohol for consumption on and off the premises
 - Monday to Saturday 10am until 1am on the following day
 - Sunday 10am until 11pm
- the performance of live music (indoors only)
 - Monday to Saturday 10am until 1am on the following day
 - Sunday 10am until 11pm
- the playing of recorded music (indoors only)
 - Monday to Saturday 10am until 1am on the following day
 - Sunday 10am until 11pm
- the provision of late night refreshment
 - Monday to Sunday 11pm until 1.30am on the following day

4.0 PROMOTION OF LICENSING OBJECTIVES

4.1 The four licensing objectives set out in the Licensing Act 2003 are:-

- the prevention of crime and disorder;

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

4.2 The Panel must carry out its functions with a view to promoting the licensing objectives.

5.0 REPRESENTATIONS

5.1 No relevant representations have been made by any of the responsible authorities.

5.2 Three relevant representations have been made by 'other persons' and these are attached at Annex B.

5.3 All three representations make reference to the potential adverse effects on the prevention of public nuisance objective caused by the use of the outdoor areas of the premises late at night. Members should note that, in accordance with the applicant's operating schedule, "*no alcohol or hot food shall be supplied for consumption in any external parts of the premises between the hours of 23.00 and 08.00*".

5.4 All three representations also make reference to the potential nuisance caused by live and recorded music.

5.5 The application seeks to authorise live and recorded music between the hours of 10am and 1am from Monday to Saturday and until 11pm on Sundays. However, on 1st February 2017, Woods Whur (the applicant's representatives) sent a letter to each of the 'other persons', giving assurances in relation to additional steps that would be taken in order to further promote the licensing objectives. The letter is attached at Annex C and the additional steps include:

- live music will cease at 9pm; and
- the premises will be sound-proofed.

5.6 Members should note that live and recorded music between the hours of 8am and 11pm does not require authorisation where it is:

- in the presence of an audience of no more than 500 people music; and
- on premises authorised to sell alcohol for consumption on the premises

5.7 On 1st February 2017, the applicant's representatives provided the council with some additional information (attached at Annex D) as follows:

- plans showing the furniture at the premises;
- the most recent menu from existing trading units; and
- internal photographs from existing trading units.

6.0 POLICY CONSIDERATIONS

6.1 In carrying out its licensing functions the Panel is required to have regard to:-

- its Licensing Statement;
- any guidance issued by the Secretary of State.

6.2 Part 5 of the council's Licensing Act 2003 Policy relates to premises licences and is attached at Annex E.

6.3 Pages 55-62 of the Home Office Guidance issued in March 2015 under section 182 of the Licensing Act 2003 are attached at Annex F.

7.0 DETERMINATION BY THE PANEL

7.1 The Panel must, having had regard to the representations, take such of the steps mentioned in 7.2 as it considers appropriate for the promotion of the licensing objectives.

7.2 The steps are:-

- to grant the licence as applied for (subject to any conditions consistent with the applicant's operating schedule);
- to grant the licence subject to any modified conditions that Members consider appropriate for the promotion of the licensing objectives;
- to reject the whole or part of the application.

7.3 If the Panel decides to grant the licence, any mandatory conditions listed in paragraph 5.20.2 of the council's policy (see Annex E) must be imposed except where the activity to which the condition relates is not authorised by the licence.

GARY NELSON
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

Background papers: Hambleton District Council's Licensing Act 2003 Policy
Guidance issued under section 182 of the Licensing Act 2003

Author ref: SF

Contact: Simon Fisher
Principal Licensing Officer
Direct Line No: (01609) 767209

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Hambleton District Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Potting Shed Trading Limited

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Potting Shed (formerly Rutson Hospital) 78-79 High Street			
Post town	Northallerton	Postcode	DL7 8EN
Telephone number at premises (if any)			
Non-domestic rateable value of premises		Not currently rated	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Potting Shed Trading Limited
Address 4th Floor Sovereign House 1-2 South Parade Leeds LS1 5QL
Registered number (where applicable) 09357235
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

Food led premises with open feature pizza oven kitchen serving quality beers, wines and cocktails.

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

N/A

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					

Tue			
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	01.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10.00	01.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed	10.00	01.00			
Thur	10.00	01.00			

Fri	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Years Eve, to the start of permitted hours on New Years Day.
Sat	10.00	01.00	
Sun	10.00	23.00	

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon	10.00	01.00	
Tue	10.00	01.00	<u>Please give further details here</u> (please read guidance note 3)
Wed	10.00	01.00	
Thur	10.00	01.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)
Fri	10.00	01.00	
Sat	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Years Eve, to the start of permitted hours on New Years Day.
Sun	10.00	23.00	

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)			
Wed						

Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>
Fri			
Sat			
Sun			
			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>

I

<p>Late night refreshment Standard days and timings (please read guidance note 6)</p>			<p>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Mon	23.00	01.30			
Tue	23.00	01.30			
Wed	23.00	01.30			
Thur	23.00	01.30	<p><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)</p>		
Fri	23.00	01.30			
Sat	23.00	01.30	<p><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun	23.00	01.30			
			<p>From the end of permitted hours on New Years Eve, to the start of permitted hours on New Years Day.</p>		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	10.00	01.00						
Tue	10.00	01.00						
Wed	10.00	01.00						
Thur	10.00	01.00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10.00	01.00						
Sat	10.00	01.00						
Sun	10.00	23.00						

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

Name Lewis Robert Vernon	
Address 1b Ashleigh Road West Park Leeds	
Postcode	LS16 5AX
Personal licence number (if known) NCCOOCJ2097	
Issuing licensing authority (if known) Newcastle City Council	

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	01.30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>From the end of permitted hours on New Years Eve, to the start of permitted hours on New Years Day.</p> <p>At the start of British Summertime, the opening hours will be extended by 30 minutes.</p>
Tue	10.00	01.30	
Wed	10.00	01.30	
Thur	10.00	01.30	
Fri	10.00	01.30	
Sat	10.00	01.30	
Sun	10.00	23.30	

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

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

b) The prevention of crime and disorder

1. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
 2. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises (excluding toilets).
 3. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
 4. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
 5. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the Police or Responsible Authorities.
 6. The cameras which provide identification images should be lit to provide true colour rendering.
 7. The CCTV system shall contain the correct time and date stamp information.
 8. A refusals and an incident report register shall be kept. Such registers will record incidents of staff refusals to underage or drunk people as well as incidents of any antisocial behaviour and ejections from the premises. Such records shall be kept for a minimum of one year.
 9. Any alcohol supplied for consumption off the premises must be in a sealed container.
 10. A full training program will be undertaken by all staff to ensure that the outside area does not cause disturbance to nearby residential property. This training will be documented and retained.

c) Public safety

1. All emergency lighting, illuminated fire exit signs, fire fighting equipment and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.

d) The prevention of public nuisance

1. No alcohol or hot food shall be supplied for consumption in any external parts of the premises between the hours of 23.00 and 08.00.
2. The disposal of any waste, such as glass bottles, which may cause disturbance to nearby residents, shall not occur between the hours of 22.00 and 08.00.
3. The premises licence holder will ensure that there are sufficient staffing levels including managers to encourage responsible behaviour on the premises at all times.

e) The protection of children from harm

1. The premises shall operate the Challenge 21 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo.

Checklist:

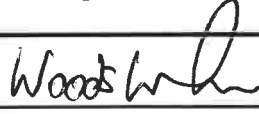
Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	21 December 2016
Capacity	Woods Whur 2014 Limited - Solicitors for the applicant

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	
-----------	--

Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Paddy Whur Woods Whur 2014 Limited Devonshire House 38 York Place			
Post town	Leeds	Postcode	LS1 2ED
Telephone number (if any)	0113 234 3055		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paddy@woodswhur.co.uk			

Consent of individual to being specified as premises supervisor

I Lewis Robert Vernon Place of Birth: Kingston Upon Hull DOB: 3/5/1986

Of 1b Ashleigh Road, West Park, Leeds, LS16 5AX

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Grant of Premises Licence

by Potting Shed Trading Limited

relating to premises licence

for The Potting Shed (formerly Rutson Hospital), 78-79 High Street, Northallerton, DL7 8EN

and any premises licence to be granted or varied in respect of this application made by

Potting Shed Trading Limited


concerning the supply of alcohol at

The Potting Shed (formerly Rutson Hospital), 78-79 High Street, Northallerton, DL7 8EN

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number - NCCOOCJ2097

Personal licence issuing authority - Newcastle City Council

Signed 

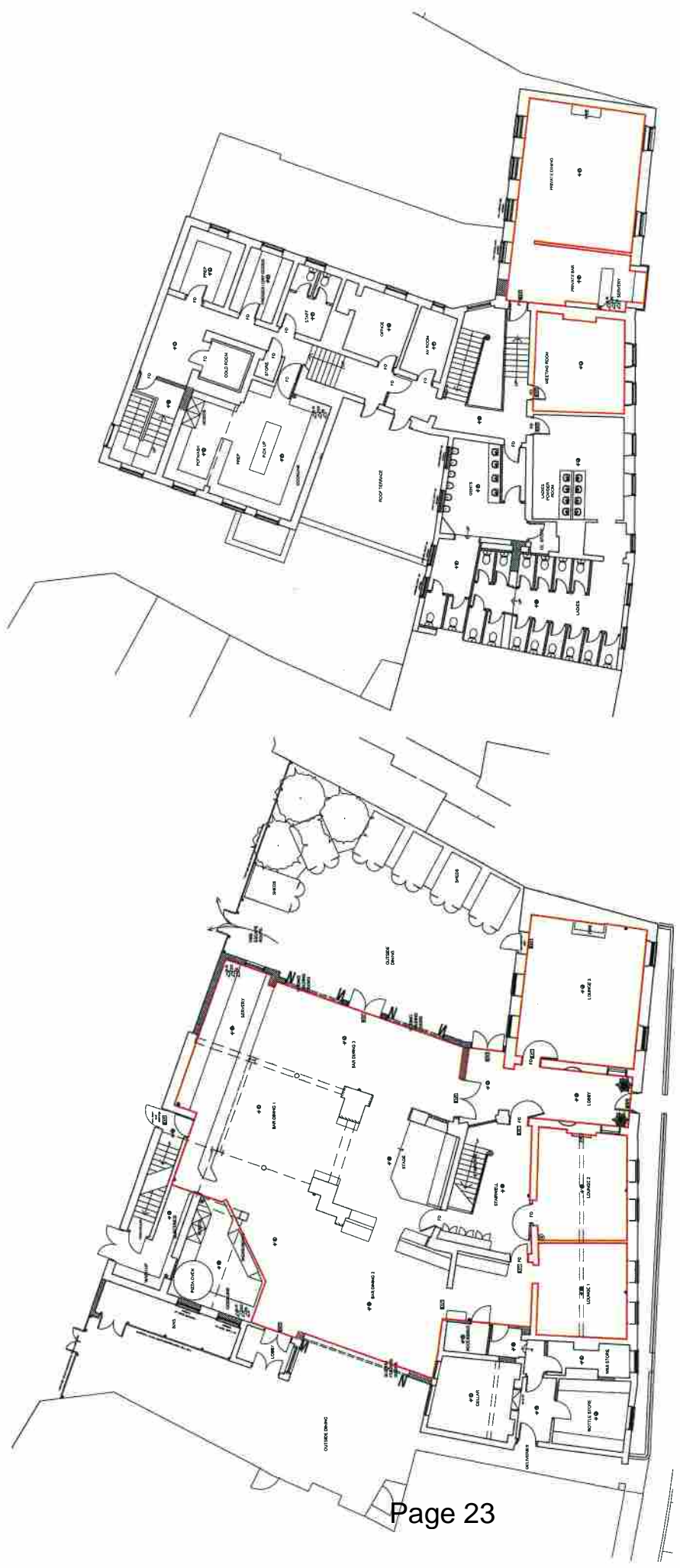
Name (please print) Lewis Vernon

Dated 19/12/2016

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DATE: 13.12.16
 DRAWN BY: [Name]
 CHECKED BY: [Name]

1:500
 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000



PROPOSED FIRST FLOOR PLAN, SCALE 1:50

PROPOSED GROUND FLOOR PLAN, SCALE 1:50

the jsdesign partnership
 architects and interior designers
 Unit 2, Park House, 21-23, Park Street, South Bristol, GL1 1DA, UK
 Tel: 01274 222222 www.jsdesignpartnership.co.uk

BURNING NIGHT GROUP

ADDRESS: OLD RUTSON HOSPITAL, NORTHALLERTON

PROPOSED LICENSING PLAN

Drawn by	SB	Checked	SB	Scale	A1
Drawn on	8	Drawn on	22.11.16	Drawn by	MJ
Drawn no	7493-07	Drawn no		Drawn by	SB
Drawn date		Drawn date		Drawn by	MJ
Drawn time		Drawn time		Drawn by	SB
Drawn scale		Drawn scale		Drawn by	MJ
Drawn sheet		Drawn sheet		Drawn by	SB
Drawn total		Drawn total		Drawn by	MJ
Drawn no		Drawn no		Drawn by	SB
Drawn date		Drawn date		Drawn by	MJ
Drawn time		Drawn time		Drawn by	SB
Drawn scale		Drawn scale		Drawn by	MJ
Drawn sheet		Drawn sheet		Drawn by	SB
Drawn total		Drawn total		Drawn by	MJ
Drawn no		Drawn no		Drawn by	SB
Drawn date		Drawn date		Drawn by	MJ
Drawn time		Drawn time		Drawn by	SB
Drawn scale		Drawn scale		Drawn by	MJ
Drawn sheet		Drawn sheet		Drawn by	SB
Drawn total		Drawn total		Drawn by	MJ



KEY DENOTES LICENSABLE AREA

The location of the proposed licensing area is shown in red. This area is proposed to be used for the purpose of a bar and lounge for the fire assessment. The location of tables and chairs are indicated in grey.

ESTIMATED DRINKING AREAS

GROUND FLOOR : 344 square metres
 3703 square feet

FIRST FLOOR : 79 square metres
 850 square feet

	FIRE ALARM SCANNER
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE EXTINGUISHER
	FIRE RESISTING GLAZING
	DOOR FITTED WITH VISION PANEL
	FIRE DOOR KEEP SIGN
	ILLUMINATED EXIT SIGN
	EXTERNAL EMERGENCY LIGHTING
	INTERNAL EMERGENCY LIGHTING
	FIRE ALARM CONTROL PANEL
	FIRE ALARM BELL
	FIRE ALARM HORN
	FIRE ALARM INDICATOR
	EMERGENCY LIGHT FITTING
	COMBINED EMERGENCY FITTING
	FIRE ALARM BREAK GLASS POINT

Env Health/UC

Mr & Mrs T. Grover
 The Old Manse
 4 Friarage Terrace
 Brompton Road
 Northallerton
 DL6 1DU

The Licensing Department
 Hambleton District Council
 Civic Centre
 Stone Cross
 Northallerton DL6 2UU

10th January 2017

Dear Sirs.

**License Application Ref: The Potting Shed (formerly Rutson Hospital)
 78-79 High Street, Northallerton DL7 8EN.**

We wish to object most strongly to the terms of this application, specifically the late hours applied for, on the following grounds.

1. The plan for this proposal shows the provision of 2 large areas of "outside dining" towards the rear of the premises. It also includes a "roof terrace" at the first floor level, presumably for the same purpose. There could be large numbers of people outside at 1.30am or later generating a huge amount of noise and disturbance.
2. Both the areas of outside dining have large large sliding folding doors to the bar area, which contains a stage for live music performances. We know from experience the noise levels this generates.
3. Our house is about 47 yards from these areas.
4. My wife and I are both in our 70's and the disruption caused by this activity is likely to adversely affect our lives.
5. We am most concerned that these proposed very late opening hours will considerably and adversely affect the value of our property.

Yours faithfully,

T. Grover

HAMBLETON D.C.		
REC'D 11 JAN 2017		
PES	RES	CX
		ACK

Mr & Mrs S Dodsworth
3 Brompton Road
Northallerton
DL6 1DY

The Licensing Department
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2AA

HAMBLETON D.C.		
REC'D	18 JAN 2017	
PES	RES	CX
		ACK

17th January 2017

I wish to very strongly object against the proposal application for:

The Potting Shed, 78-79 High Street, Northallerton, DL7 8EN. Formally the Rutson Hospital.

The late hours of the proposal is a major concern as our home is very close to the premises and the size of the outside Beer garden and roof terrace is a major concern. As there could be a large number of people out there until at least 1.30am in the morning which will cause a lot of noise and disturbance.

My Wife and I have a 6 month old baby and my Wife is pregnant again with our second Child. Having a late night Bar with Live Bands and Music on so close and late to our home will most definitely affect my babies and family lives.

If I could make any recommendations, would it be possible for the Beer Garden, Roof Terrace and more importantly Live Band and Music to finish at 10pm like the pubs do in Yarm?

Yours Faithfully

HAMBLETON D.C.		
REC'D 19 JAN 2017		
PES	RES	CX
		ACK



— The —
Golden Lion

High Street
Northallerton
North Yorkshire
DL7 8PP

Tel: 01609 777411

Fax: 01609 773250

To the Licensing Officer, Hambleton District Council

I wish to object to the proposed new Potting Shed Licensed Premises, formerly the Rutson Hospital on the grounds it could lead to an increase in public order and noise offences.

On the plans with the application the outside Beer Gardens and Roof Terrace aren't shown within the licensed areas outlined in red.

The Public Right Of Way to the North of the site is closed off. The door leading on to the High Street is currently locked.

The plans show the Ground Floor and First Floor with areas of 423 sq.mtrs this would give the Indoor Licensed areas a capacity of 846 people. The 2 Beer Gardens and Roof Top Terrace I estimate are approximately 230 sq.mtrs which would give a licensed capacity of 460 people. It is possible that the new development could have a total capacity of 1306 people.

If your Committee is minded to grant this application I would respectfully suggest that the Outside Areas are restricted in the later hours they open, as was the application for Wetherspools in 2015.

In view of the fact that the applicant is applying for Live Music and Recorded Music in a residential area it would probably be prudent that the applicant provides a Sound Proofing Scheme.

Yours Sincerely

Mr George Crow

Licensee The Golden Lion Hotel

18/01/2017

The Coach Inn Company Ltd
Reg. in England No. 3575107

Registered Office:
Exchange Buildings
66 Church Street
Hartlepool
TS47 7DN

VAT No. 708681123

Mr & Mrs T Grover
The Old Manse
4 Friarage Terrace
Brompton Road
Northallerton
DL6 1DU

Our ref PW/AH/LIT001-5-8/2510

Your ref

01 February 2017

Dear Mr & Mrs Grover

The Potting Shed, (formerly Rutson Hospital), 78-79 High Street, Northallerton, DL7 8EN

I am the Licensing Solicitor who represents the company who run The Potting Shed premises.

I know it is sometimes difficult to assess the impact of an application from a public notice and in the circumstances I hope you don't mind that I have written to you to try and set out the nature of the premises a little bit further and to offer the opportunity to meet and discuss this with you prior to the hearing before the Licensing Authority if that would be helpful.

I appreciate that the hearing can sometimes be an inappropriate place to discuss matters and if you feel that a site visit so that the company and I can explain things to you in more detail would be helpful then we would be more than happy to attend.

If this is the case then please suggest a convenient time and we will come to the premises to explain things to you.

Just to put the application into context I have enclosed herewith a copy of the layout plan submitted with the application with all of the loose furniture in the premises. The business model is to trade very much as a family friendly food led environment and you can see from the premises that it is nearly all seated. In the garden there are sheds (a key feature to the premises and building into the name and design) which are very popular with families and children and are well used by families.

I have also enclosed the winter menu and photographs from the existing trading premises which I hope give you some comfort as to the quality of the fit out.

In relation to the outside areas, we submitted in our application a condition that these would not be used after 23:00 hours. This would mean that all food and drink must be consumed and the areas cleared by 11pm each night which I hope gives some comfort in relation to one of your concerns. In addition the disposal of any waste, such as glass bottles etc can only take place between the hours of 08:00 and 22:00 and the Environmental Health Officer is comfortable with those two offered conditions.

In relation to live music at the premises this is always in keeping with the nature of the premises which is very much food led through the open pizza oven and popular menu. The live acts would cease at 9pm and tend to be an acoustic offering. The premises are going to have a significant re-fit and will be sound

proofed to ensure that there is no noise nuisance created to you and your neighbours. Again this is something that the Environmental Health Department are comfortable with.

I reiterate if there is any merit in us meeting we would be more than happy to do so to discuss the nature of this application in more detail.

Yours sincerely

P M Whur
Woods Whur



woodswhur

Devonshire House
38 York Place
Leeds
LS1 2ED33 Cavendish Square
London
W1 0PW

Tel: 0113 234 3055

info@woodswhur.co.uk
www.woodswhur.co.ukDemocratic Services Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU

Our ref PW/AH/LIT001-5-8/2510

Your ref

01 February 2017

Dear Sirs

Potting Shed, formerly Rutson Hospital, 78-79 High Street, Northallerton, DL7 8EN

I write with reference to our telephone conversation. I would be grateful if you would note that Paddy Whur will be representing at the Licensing Authority Hearing and we will also have a company representative, Jade Renner, the Operations Manager for the company.

Please find as follows:

1. Plans showing the furniture at the premises.
2. The most recent menu from the existing trading units in Bingley and Beverley.
3. Internal Photographs from Bingley and Beverley.

We can confirm that we have sent these directly to the objectors and have highlighted that we would be more than happy to meet.

Please find a copy of the letter that we have sent to the objectors for your records.

We would be obliged if you could confirm receipt of this letter and enclosures.

Yours faithfully

Woods Whur



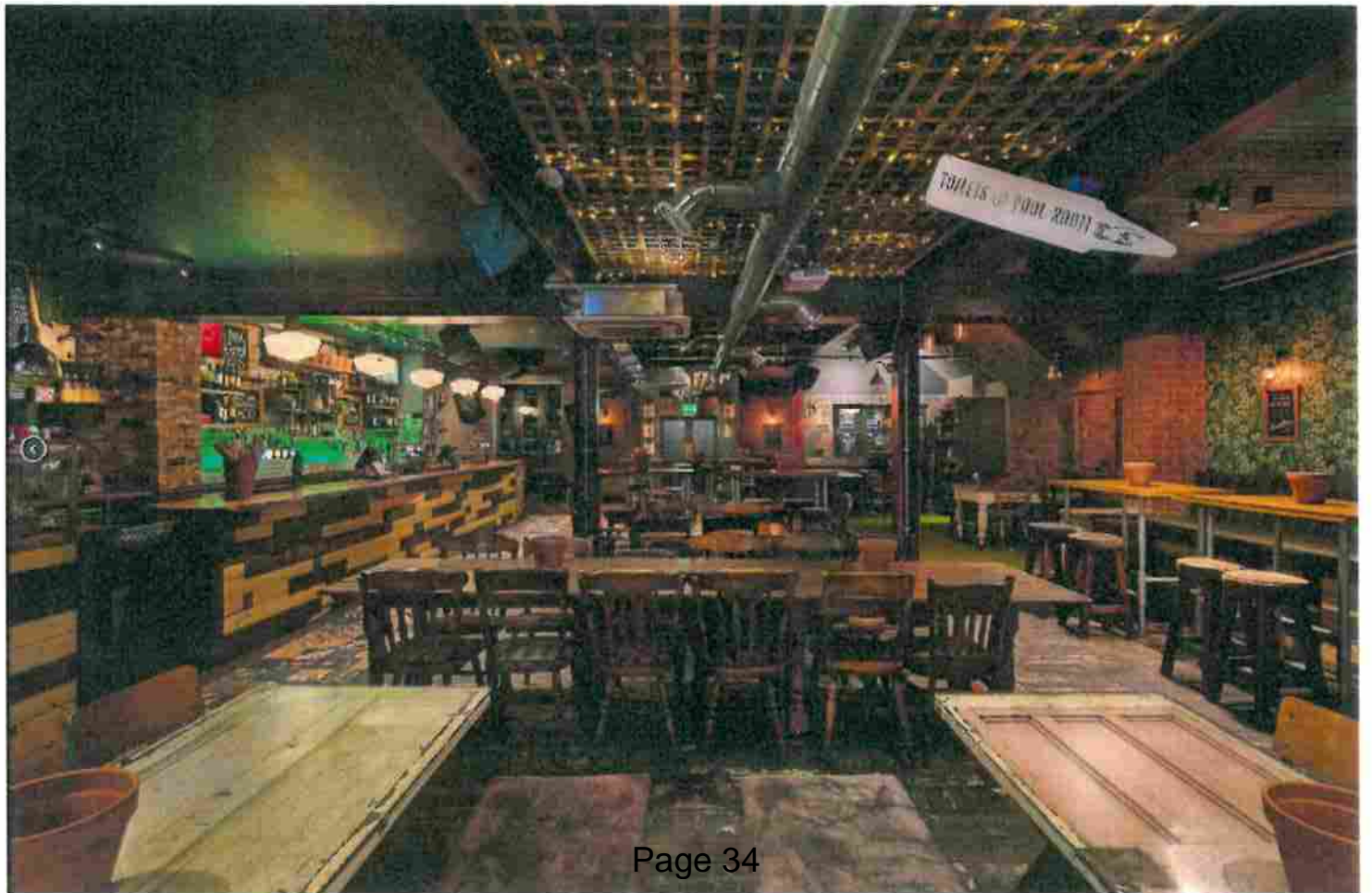
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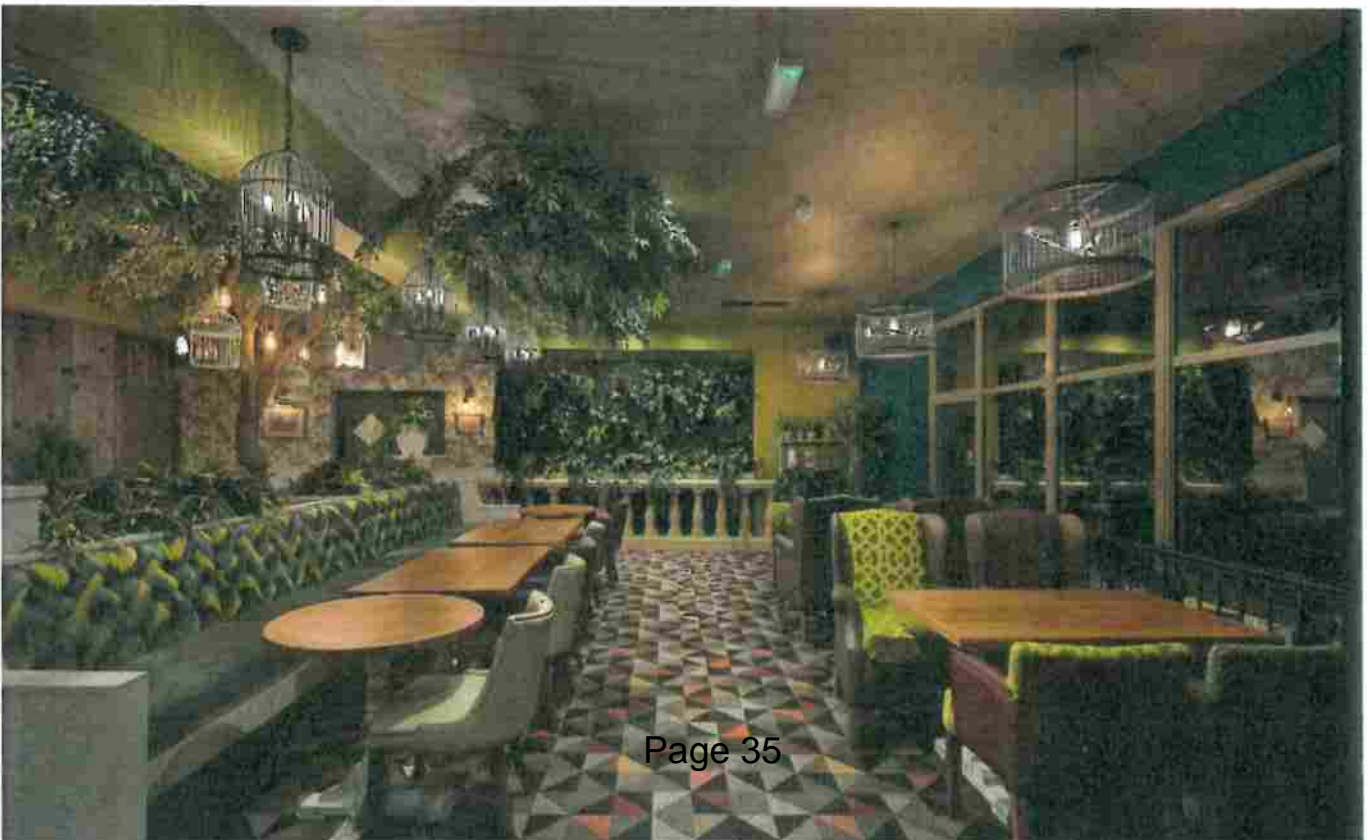
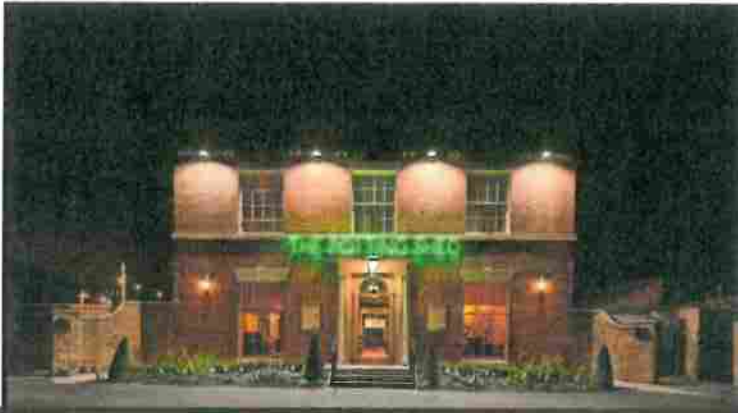
the jdesign partnership
 architects and interior designers
 100/101 Victoria Road, Northampton, NN1 2JL, UK
 Tel: 01603 254444 Fax: 01603 254445
 www.jdesignpartnership.co.uk

BURNING NIGHT GROUP
 OOD RUITSON HOSPITAL
 NORTHAMPTON

Drawn by	Checked by	Date
749343	9	05.04.16
MJ	MJ	1.50

PROPOSED GROUND FLOOR PLANS





★ WINTER ★ FEEDING ★

.....
FOOD SERVED 12PM TIL 8PM

— THE — POTTING — SHED —

BAR & GARDENS

All of the food on our menu is cooked and served as a 'bistro style service' - This means as and when the food is ready, it will be delivered. We don't take orders for 'starters and 'mains' as the size of our kitchen limits us to serving space. 'We don't do fast food! We do great food, as fast as we can!' Everything is fresh daily and due to our storage space, once its sold out - its gone until our next available delivery...



BAR SNACKS

AVAILABLE FROM THE BAR ALL NIGHT, AFTER THE KITCHEN HAS CLOSED AT 8PM* (MON - THURS ONLY)

MIXED MARINATED PITTED OLIVES	3.00
ROASTED MIXED & SALTED NUTS	3.00
THE SHEDS POPCORN. (SWEET OR SALTED)	HALF PINT 1.50 PINT 3.00

LIGHT BITES

DUCK & NOODLE SPRINGROLL. SLOW COOKED DUCK & NOODLE SPRINGROLL WITH SALAD & HOI SIN SAUCE.	5.95
KING PRAWN SKEWER "COCKTAIL" CHARGRILLED KING PRAWNS WITH CHOPPED MIXED SALAD & SMOKED PAPRIKA AIOLI.	7.95
GARLIC PIZZA BREAD WITH CHEESE	4.95
CRISPY DEEP FRIED BRIE PARMESAN & HERB CRUSTED BRIE WITH ROCKET, BRAISED RED ONIONS & TOASTED BREAD.	5.95
HAM HOCK DOUGHBALLS HAM HOCK, STUFFING & MOZZARELLA DOUGH BALLS.	4.95
PERI PERI CHICKEN GOUJONS LIGHTLY BATTERED CHICKEN GOUJONS WITH SALAD & CHILLI DIP.	5.95



CHARGRILLED BURGERS

All of our Burgers are freshly made in-house with minced chuck & brisket steak, seasoning and a few secret herbs. They are all served with our twice fried, skin-on seasoned fries, a small salad garnish and our special homemade 'slaw



CLASSIC CHEESE	7.25
BACON CHEESE	8.25
THE HERB GARDEN MARINATED CHICKEN BREAST A WHOLE MARINATED CHICKEN BREAST, GRILLED AND SERVED IN A BUN WITH LETTUCE, TOMATO AND LEMON AIOLI DRESSING.	7.95
THE PIZZA BURGER PEPPERONI, BACON AND MOZZARELLA CHEESE. A SHED FAVORITE.	8.25
THE VEGGIE BEAN BURGER (V) A TRADITIONAL BEAN BURGER WITH A FEW ADDED VEGETABLES AND SPICES IN A BREAD-CRUMB PATTY, LETTUCE, TOMATO AND TZATZIKI.	7.95
THE YORKSHIRE BURGER A BEEF PATTY TOPPED WITH YORKSHIRE BLUE, LOCAL BACON & SERVED IN YORKSHIRE PUDDINGS.	8.25
THE GNOMES REVENGE A DOUBLE BEEF PATTY, BACON CHEESE BURGER, TOPPED WITH A GRILLED PERI GOUJON AND ONION RINGS WITH ALL THE NORMAL TRIMMINGS.	11.95
GO BIG OR GO GNOME DOUBLE UP ON ANY OF OUR BEEF PATTIES FOR AN EXTRA	3.25

FROM THE PIZZA OVEN

All of our Pizzas are made with freshly prepared homemade dough, freshly prepared sauces and the finest ingredients available on a daily basis. All Pizzas come as a 12" standard size, but are also available in 16" share versions - Just add £5 - Ideal for relaxing with friends and a few drinks.

CLASSIC MARGHERITA HOMEMADE DOUGH, MARINARA AND MOZZARELLA CHEESE	6.95
POLLO CHICKEN, RED ONION & SUNDRIED TOMATO ON A TOMATO BASE.	8.50
ITALIANO A TOMATO BASE TOPPED WITH ITALIAN MEATS, OLIVES, MOZZARELLA AND ROCKET	8.50
AMERICANO CLASSIC PEPPERONI, RED ONION AND MOZZARELLA CHEESE.	7.95
DIAVOLA PEPPERONI AND RED ONION WITH FRESH & FLAKED CHILI	8.50
THE SHEDS WINTER PIZZA ROAST TURKEY, STUFFING, MOZZARELLA, BRIE & HERBS.	9.95
THE HAM HOCK PIZZA SLOW COOKED HAM HOCK, CARAMELISED RED ONION & GOATSCHEESE.	9.95
VEGGIE TRADITIONAL ROASTED VEG, OLIVES AND PESTO.	7.95
MEAT FEAST SHED FAVORITE, PEPPERONI, BACON, CHICKEN, RED ONION AND MUSHROOM.	9.95
QUATTRO FORMAGGI TOMATO BASE TOPPED WITH MOZZARELLA, YORKSHIRE BLUE, CHEDDAR & PARMESAN.	7.95

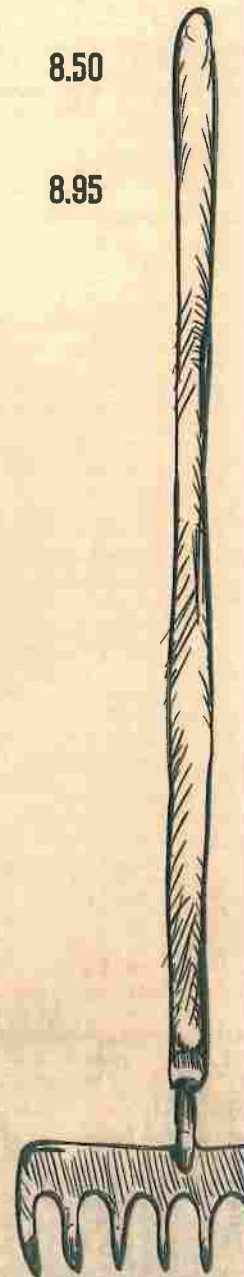
SHED RECOMMENDS

CONFIT OF DUCK. SLOW COOKED DUCK WITH SWEET POTATO MASH, BRAISED LEEKS & A REDCURRANT SAUCE.	12.95
TRADITIONAL FISH AND CHIPS SERVED WITH HAND CUT CHUNKY CHIPS, HOMEMADE TARTAR SAUCE AND MUSHY PEAS	9.95
THE "YORKSHIRE BURRITO" THE "YORKSHIRE BURRITO" TURKEY BREAST, STUFFING & CRANBERRY WRAPPED IN A YORKSHIRE PUDDING WITH PARSNIP FRIES & SALAD.	10.95
TEMPURA KING PRAWNS CRISPY FRIED KING PRAWNS WITH SWEET CHILLI DIP & MIXED SALAD.	9.95
CHICKEN KEBAB MARINATED SPICED CHICKEN BREAST & ROASTED VEGGIES IN A GARLIC FLATBREAD WITH SALAD & TZATZIKI.	8.50
SPINACH, TOMATO & GOATSHEESE TART A TARTLET OF SAUTÉED SPINACH, SLOW ROAST TOMATOES & GOATSHEESE WITH SALAD & FRIES.	8.95

SIDES

HAND-CUT CHUNKY CHIPS	3.00
TWICE FRIED FRIES	2.50
SWEET POTATO FRIES	3.00
BEER BATTERED ONION RINGS	2.50
HOME-MADE 'SLAW	2.00
SIDE SALAD	2.50
ROCKET & PARMESAN SIDE SALAD	3.00
PARSNIP FRIES	3.00

**CHECK OUT THE
BLACKBOARD
FOR OUR CHEFS
SPECIALS AND
DESSERTS**



PART 5: PREMISES LICENCES

5.1 INTRODUCTION

5.1.1 A premises licence authorises the use of any premises (any vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities.

5.1.2 Railway vehicles and aircraft engaged on journeys are exempted from the requirement to have an authorisation to carry on licensable activities (although a magistrates' court can make an order to prohibit the sale of alcohol on a railway vehicle if this is appropriate to prevent disorder). Stationary aircraft and railway carriages used as restaurants and bars are subject to the provisions of the 2003 Act.

5.2 GRANT OF LICENCE¹

5.2.1 An application for a premises licence may be made by anyone who carries on or proposes to carry on a business involving licensable activities on premises situated wholly or mainly in the district of Hambleton.

5.2.2 An applicant for a premises licence must be:

- one or more individuals aged 18 years or over;
- a business;
- a partnership;
- a person exercising a statutory function (for example, a local authority);
- a person exercising any function by virtue of the Royal prerogative (for example, a body exercising functions by virtue of a royal charter);
- a recognised club;
- a charity;
- an educational institution;
- a health body in the public and private sector; or
- the police

5.2.3 An application for the grant of a premises licence must be accompanied by:

- the requisite fee;
- an operating schedule (see below);
- a plan of the premises in a prescribed form (see paragraph 5.12); and
- a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (only if the application involves the supply of alcohol).

5.2.4 An application for the grant of a premises licence must be advertised:

- in a local publication on at least one occasion within ten working days of the application date; and
- on the premises for a period of 28 days (see Annex D for more information).

¹ [Section 17 of the Licensing Act 2003](#)

5.3 VARIATION OF LICENCE²

5.3.1 The holder of a premises licence may apply for a variation of the licence. An application for a variation of a premises licence must be accompanied by:

- the requisite fee;
- an operating schedule (see paragraph 5.13);
- the existing premises licence; and
- if the variation relates to any structural alterations, a plan of the premises in a prescribed form (see paragraph 5.12);

5.3.2 An application for the variation of a premises licence must be advertised:

- in a local publication on at least one occasion within ten working days of the application date; and
- on the premises for a period of 28 days (see Annex D for more information).

5.4 MINOR VARIATION³

5.4.1 The Act allows for a simplified procedure for varying a licence where the changes cannot have an adverse effect on the licensing objectives.

5.4.2 Changes to the structure of the premises will not fall within the definition of a minor variation if it increases the capacity for drinking on the premises, or if it impedes the effective operation of a noise reduction measure such as an acoustic lobby.

5.4.3 An application for a minor variation of a premises licence must be accompanied by:

- the requisite fee;
- the existing premises licence; and
- if the variation relates to any structural alterations, a plan of the premises in a prescribed form (see paragraph 5.11).

5.4.4 An application for a minor variation of a premises licence must be advertised on the premises for a period of 10 days.

5.5 CHANGE OF DPS⁴

5.5.1 A premises licence may be varied to specify an individual as designated premises supervisor.

5.5.2 The police may object to the designation of a new designated premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the prevention of crime and disorder objective.

5.5.3 An application to specify an individual as designated premises supervisor must be accompanied by:

² [Section 34 of the Licensing Act 2003](#)

³ [Section 41A of the Licensing Act 2003](#)

⁴ [Section 37 of the Licensing Act 2003](#)

- the requisite fee;
- the existing premises licence; and
- a form of consent from the individual who is to be specified as the designated premises supervisor.

5.6 TRANSFER OF LICENCE⁵

5.6.1 Any person who may apply for the grant of a premises licence (see paragraph 5.2.2) may apply for a premises licence to be transferred to them.

5.6.2 The police may object to the transfer of a premises licence where, in exceptional circumstances, they believe that the transfer would undermine the prevention of crime and disorder objective.

5.6.3 An application for the transfer of a premises licence must be accompanied by:

- the requisite fee;
- the existing premises licence; and
- a form of consent from the existing premises licence holder.

5.7 COMMUNITY PREMISES – ALTERNATE MANDATORY CONDITION

5.7.1 Where the management committee of community premises makes an application for the grant of a premises licence authorising the supply of alcohol, the application may include a request to disapply the mandatory conditions in sections 19(2) and 19(3) of the Act concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence⁶.

5.7.2 In cases where the mandatory conditions have already been imposed on a community premises licence, the holder of the licence may submit an application to disapply the mandatory conditions in sections 19(2) and 19(3) of the Act concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence⁷.

5.7.3 An application for the mandatory conditions to be disapplied must be accompanied by:

- the requisite fee;
- the existing premises licence; and
- details of the proposed arrangements to supervise alcohol sales.

⁵ [Section 42 of the Licensing Act 2003](#)

⁶ [Section 25A of the Licensing Act 2003](#) as inserted by [article 3 of the Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009](#)

⁷ [Section 41D of the Licensing Act 2003](#) as inserted by [article 4 of the Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009](#)

5.8 INTERIM AUTHORITY NOTICE⁸

- 5.8.1 Where a premises licence lapses due to the death, incapacity or insolvency of the licence holder, but no application for transfer has been received to reinstate the licence under section 50 of the Act, a person who has an interest in the premises may, during the initial 28 day period, give notice to the licensing authority in respect of the licence. A similar notice must also be given to the chief officer of police within this period.
- 5.8.2 Where an interim authority notice is given, the premises licence is reinstated for a maximum period of three months from the day the notice was given to the licensing authority to allow for applications to transfer the licence.

5.9 PROVISIONAL STATEMENTS⁹

- 5.9.1 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 5.9.2 A business or an individual (aged 18 or over) with an interest in any particular premises may therefore apply for a “provisional statement”.
- 5.9.3 An application for a provisional statement must be accompanied by:
- the requisite fee;
 - a statement made by or on behalf of the applicant including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used; and
 - plans of the work being or about to be done at the premises.
- 5.9.4 An application for a provisional statement must be advertised:
- in a local publication on at least one occasion within ten working days of the application date; and
 - on the premises for a period of 28 days.
- 5.9.5 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded where:
- the application for a licence is in the same form as the licence described in the provisional statement;
 - the work in the schedule of works has been satisfactorily completed;
 - given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and

⁸ [Section 47 of the Licensing Act 2003](#)

⁹ [Section 29 of the Licensing Act 2003](#)

- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

5.10 CHANGES DURING PERIOD OF LICENCE¹⁰

5.10.1 The holder of a premises licence must notify the licensing authority of any changes to his/her name or address or that of the designated premises supervisor.

5.11 REVIEWS¹¹

5.11.1 At any stage following the grant of a premises licence, a responsible authority or any other person may apply for a review of the licence in the event of any perceived failure to promote one or more of the licensing objectives.

5.11.2 Although the licensing authority may act in its capacity as a responsible authority to apply for a review of a club premises certificate, it will not normally do so on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review in their own right if they have grounds to do so.

5.11.3 Where the licensing authority does act as a responsible authority and applies for a review, it will make provision for an appropriate separation of responsibilities in order to ensure procedural fairness and eliminate conflicts of interest.

5.11.4 Reviews allow the Licensing and Appeals Hearings Panel, if necessary, to modify the licence conditions, remove the designated premises supervisor or to suspend or revoke all or part of the licence.

5.12 PLANS OF PREMISES

5.12.1 Premises plans are not required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects¹²” (i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application).

5.12.2 There is no requirement for plans to be professionally drawn as long as they clearly show all of the prescribed information (see Annex B).

5.13 OPERATING SCHEDULE

5.13.1 In completing an operating schedule, applicants must describe the steps that are appropriate for the promotion of the licensing objectives having had regard to this

¹⁰ [Section 33 of the Licensing Act 2003](#)

¹¹ [Section 51 of the Licensing Act 2003](#)

¹² [Regulation 23 of the Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#) as amended by [regulation 5 of the Licensing Act 2003 \(Premises licences and club premises certificates\) \(Amendment\) \(Electronic Applications etc\) Regulations 2009](#)

policy. Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

5.13.2 While applicants are not required to seek the views of responsible authorities before formally submitting an application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application.

5.14 SUBMITTING APPLICATIONS

5.14.1 Applications may be submitted:

- by post using the application forms available on the council's website;
- via email using the application forms available on the council's website; or
- online via www.gov.uk

5.14.2 If an applicant submits any part of their application in writing, the applicant will be responsible for sending copies to each of the appropriate responsible authorities. However, if an application is submitted online or via email, the licensing authority will be responsible for copying it to responsible authorities.

5.14.3 If information is missing or incorrect, the licensing authority may 'hold' the application until the applicant has supplied all of the required information. This effectively resets the time period for determining an application and may be done any number of times until the application form is complete.

5.15 DETERMINING UNCONTESTED APPLICATIONS

5.15.1 In the absence of any representations in respect of any duly made application, a licence will be granted as applied for, subject only to any mandatory conditions and those conditions which form part of the operating schedule.

5.16 REPRESENTATIONS

5.16.1 Responsible authorities and any other persons may make relevant representations in respect of applications for the grant or variation of a premises licence. In these cases, the application will be referred to the Licensing and Appeals Hearings Panel for determination.

5.16.2 The licensing authority will accept all reasonable and proportionate representations made by responsible authorities unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. It remains incumbent on the responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing¹³.

5.16.3 Representations must be made in writing and may be amplified at the subsequent hearing. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

¹³ [9.12 of the Home Office Guidance](#) issued under section 182 of the Licensing Act 2003 (March 2015)

5.17 HEARINGS

5.17.1 The licensing authority must hold a hearing within a prescribed period where relevant representations are made.

5.17.2 Notices will be sent to each party informing them of the date so that they may attend if they wish to give evidence at the hearing.

5.17.3 The procedure for hearings is attached at Annex C.

5.18 PERIOD OF VALIDITY¹⁴

5.18.1 Unless it has been granted only for a limited period, a premises licence will remain valid until:

- it is suspended;
- it is surrendered;
- it is revoked;
- it lapses where the holder of the licence:
 - dies;
 - lacks capacity to hold a licence within the meaning of the Mental Capacity Act 2005;
 - becomes insolvent;
 - is dissolved, or
 - if it is a club, ceases to be a recognised club.

5.19 APPEALS

5.19.1 Any party aggrieved by the decision of the Licensing and Appeals Hearings Panel can appeal to the Magistrates' Court.

5.20 CONDITIONS

5.20.1 Conditions on premises licences will fall into one of three categories as follows:

- Mandatory conditions;
- Conditions consistent with the applicant's operating schedule; and
- Conditions imposed by the Licensing and Appeals Hearings Panel.

5.20.2 Mandatory conditions are attached to all premises licence, where appropriate, to ensure that:

- No supply of alcohol is made under a premises licence at a time when there is no designated premises supervisor in respect of the premises licence¹⁵;
- No supply of alcohol is made under a premises licence at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended¹⁶;

¹⁴ [Section 26 of the Licensing Act 2003](#)

¹⁵ [Section 19\(2\)\(a\) of the Licensing Act 2003](#)

¹⁶ [Section 19\(2\)\(b\) of the Licensing Act 2003](#)

- Every supply of alcohol under the premises licence is made or authorised by a person who holds a personal licence¹⁷;
- The admission of children to the exhibition of any film is restricted in accordance with any recommendation by the film classification body or the licensing authority¹⁸;
- Any individual carrying out a security activity in accordance with a licence condition is authorised under the Private Security Industry Act 2001¹⁹;
- An age verification policy is adopted and implemented in relation to the sale or supply of alcohol²⁰;
- The age verification policy requires individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or an ultraviolet feature²¹;
- No alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price²²;
- Staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises²³;
- No alcohol is dispensed directly into the mouth of a customer (except when an individual is unable to drink without assistance due to a disability). For example, drinking games such as the 'dentist's chair' are prohibited²⁴;
- Free potable water is provided on request to customers where it is reasonably available²⁵;
- The following drinks (if sold on the premises) are available in the following measures:
 - beer or cider - half pint
 - gin, rum, vodka or whisky - 25ml or 35ml
 - still wine in a glass - 125ml²⁶.

5.20.3 The mandatory conditions are prescribed in legislation and are subject to periodic change. The licensing authority will not necessarily replace licences following every change but the changes will be reflected when any other amendments are made by the licence holder. A full schedule of the current mandatory conditions will be maintained on the council's website.

5.20.4 Licence holders should be aware that mandatory conditions will apply to their licence, even if they are not printed upon it, and as such are encouraged to periodically check for updates to the current conditions.

5.20.5 Proposals put forward by an applicant to promote the licensing objectives may, at the discretion of the licensing authority, be imposed on a licence in the form of clear and enforceable conditions. Any such conditions must be consistent with the applicant's operating schedule. Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule

¹⁷ [Section 19\(3\) of the Licensing Act 2003](#)

¹⁸ [Section 20 of the Licensing Act 2003](#)

¹⁹ [Section 21 of the Licensing Act 2003](#)

²⁰ [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

²¹ [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

²² [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2014](#)

²³ [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

²⁴ [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

²⁵ [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

²⁶ [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

- 5.20.6 The Licensing and Appeals Hearings Panel may impose additional conditions upon receipt of relevant representations if it is satisfied as a result of a hearing (unless all parties agree that a hearing is not necessary) that it is appropriate in order to promote one or more of the four licensing objectives.
- 5.20.7 The licensing authority will be alive to the indirect costs that can arise as a result of conditions being imposed on premises licences. Conditions may be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. In any case, licensing authorities have a general responsibility to avoid imposing unnecessary regulatory burdens on businesses²⁷.

5.21 PLANNING PERMISSION

- 5.21.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency.
- 5.21.2 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing and Appeals Hearings Panel is not bound by decisions made by a planning committee and vice versa.
- 5.21.3 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time.
- 5.21.4 Premises operating in breach of their planning permission would be liable to prosecution under planning law.

5.22 CUMULATIVE IMPACT

- 5.22.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. It should not, however, be confused with any question of ‘need’ which relates to the commercial demand for a particular type of premises. The issue of ‘need’ is a matter for market forces to influence and for the planning authority to regulate. It is not a matter for the licensing authority to consider in discharging its licensing functions or formulating its statement of licensing policy.
- 5.22.2 The licensing authority recognises that, in accordance with the statutory guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives.
- 5.22.3 The licensing authority will not seek to introduce quotas of licensed premises, nor will it seek to impose general limitations on trading hours in particular areas. Instead, consideration will be given to the individual characteristics of the premises concerned within a given area.

²⁷ [Regulators' Code](#) - Better Regulation Delivery Office – April 2014

9. Determining applications

General

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

Where no representations are made

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

Where representations are made

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

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority

or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

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

The role of responsible authorities

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

Representations from the police

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

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

⁵ Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

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

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

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

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

Disclosure of personal details of persons making representations

- 9.25 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.26 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

- 9.27 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.28 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.29 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.30 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.
- 9.31 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.
- 9.32 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.
- 9.33 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.
- 9.34 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.

- 9.35 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.
- 9.36 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.
- 9.37 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.
- 9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.39 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.
- 9.40 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

- 9.41 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.
- 9.42 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.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

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

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