

Committee : <b>Licensing Sub-Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Lock Studios)</b> <b>Oval Studios, 29 – 32 The Oval, London E2 9DT</b>  Ward affected: <b>Bethnal Green West</b>
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## 1.0 Summary

Applicant:	<b>Lock Studios Ltd</b>
Name and	<b>Lock Studios</b>
Address of Premises:	<b>Oval Studios</b> <b>29 – 32 The Oval</b> <b>London</b> <b>E2 9DT</b>
Licence sought:	<b>Licensing Act 2003 – premises licence</b> <ul style="list-style-type: none"> <li>• <b>The sale by retail of alcohol (on and off sales)</b></li> <li>• <b>The provision of regulated entertainment</b></li> <li>• <b>The provision of late night refreshment</b></li> </ul>
Representations:	<b>Licensing Authority (RA)</b> <b>Health &amp; Safety</b>

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

### LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> <li>• Guidance Issued under Section 182 of the Licensing Act 2003</li> <li>• Tower Hamlets Licensing Policy</li> <li>• File</li> </ul>	<input type="checkbox"/>	<b>Mohshin Ali</b> <b>020 7364 5498</b>

### 3.0 Background

3.1 This is an application for a premises licence for (Lock Studios) Oval Studios, 29 – 32 The Oval, London E2 9DT.

3.2 The applicant has described the premises as:

*“Photography studio, and occasional private event space. The licensable activities authorised by the licence will be ancillary to the main function of the premises as a photography studio”.*

3.3 A copy of the new premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

#### ***The sale by retail of alcohol (On and off sales)***

- *Monday to Wednesday, from 10:00 hrs to 23:30 hrs*
- *Thursday to Saturday, from 10:00 hrs to 01:00 hrs the following day*
- *Sunday, from 10:00 hrs to 22:30 hrs*

#### ***The provision of late night refreshment – Indoors***

- *Monday to Wednesday, from 23:00 hrs to 23:30 hrs*
- *Thursday to Saturday, from 23:00 hrs to 01:00 hrs the following day*
- *(Sunday, no provision of late night refreshment)*

#### ***The provision of regulated entertainment - Indoors***

##### *Plays and Films. Live music, recorded music and performance of dance*

- *Monday to Wednesday, from 10:00 hrs to 23:30 hrs*
- *Thursday to Saturday, from 10:00 hrs to 01:00 hrs the following day*
- *Sunday, from 10:00 hrs to 22:30 hrs*

##### *Non-standard timings*

- *New Year’s Eve: licensable activities from 07:00 hrs to 03:30 hrs the following day*

#### ***The opening hours of the premises***

- *Monday to Wednesday, from 06:00 hrs to 00:00 hrs (midnight)*
- *Thursday to Saturday, from 06:00 hrs to 01:30 hrs the following day*
- *Sunday, from 10:00 hrs to 23:00 hrs*

##### *Non-standard timings*

- *New Year’s Eve: opening hours from 07:00 hrs to 03:30 hrs the following day*

### 4.0 Location and Nature of the premises

4.1 The site plan of the venue is included as **Appendix 2**.

4.2 Maps and photos showing the vicinity are included as **Appendix 3**.

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

## 5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy will come into effect on the 1<sup>st</sup> November 2023.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in August 2023.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 **Representations**

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Licensing Authority (RA) (See **Appendix 5**).
- Health & Safety (See **Appendix 6**).

6.2 At the request of the applicant, the Licensing Authority forwarded the application to the residents that made a representation against the previous application by a different operator. In response to this, one resident showed support for the application and one resident was concerned about the lack of detail in the application form. However, the Licensing Authority did not receive any formal representation from any of the residents that were consulted.

6.3 The applicant has also been liaising with the Licensing Authority about conditions but at the time of writing this report an agreement was not reached between them.

6.4 The applicant has also been communicating with some of the residents and it is not clear if there have been any further conditions agreed between them.

6.5 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).

- Planning
- Health and Safety
- Environmental Protection (Noise)
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

6.6 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:

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

6.7 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.

6.8 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.9 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## 7.0 **Conditions consistent with Operating Schedule (offered by the applicant)**

### 7.1 Proposed Conditions

1. *The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a photography studio. For the purposes of these conditions, references to an "event" mean an occasion when the premises are used for a private function not connected to its day-to-day operation as a photography studio. No publicly ticketed music events shall take place at the premises. Where any event has music regulated entertainment, such music shall be ancillary to the main event such as a DJ set during and after an awards ceremony or a party with music after a product launch event.*

2. A Risk Assessment shall be carried out for each event at the premises to identify any risks (this could be but not limited to: contacting previous venues; checking social media channels and any other relevant intelligence in relation to previous events; and supplier due diligence) relating to the licensable activities taking place in respect of each event and the measures that will be put in place to mitigate such risks which shall be documented in such Risk Assessment.

3. Risk Assessment shall be carried out for each event to identify any risks relating to the licensable activities taking place in respect of each event and the measures that will be put in place to mitigate such risks which shall be documented in such Risk Assessment including medical and welfare provision; search policy; ingress policy and ID scanners where required by the Risk Assessment; and the appropriate number of SIA registered security staff (including the ratio between male and female SIA based on the anticipated makeup of the audience as identified in such Risk Assessment) and stewards and role types to ensure a safe environment as per the event Security Management Plan. The Risk Assessment shall be made available to the Metropolitan Police and the Licensing Authority upon request.

4. A digital CCTV system shall be installed and maintained at the premises on an ongoing basis as per the minimum requirements of the Metropolitan Police. When installed, the CCTV system is to be maintained and shall continually record whilst the premises are operational and open to the public, with footage stored for a minimum of 31 days with date and time stamping. CCTV footage shall be made available to the Metropolitan Police and the Licensing Authority upon request.

5. Staff working at the premises shall be trained in the use of the CCTV equipment and a log will be kept verifying this. At least one member of staff, so trained, shall be present at the premises at all times when it is open for licensable activities. Such member of staff shall be capable of providing the Metropolitan Police and the Licensing Authority with CCTV footage upon request.

6. Where the Designated Premises Supervisor is not on the premises, then any or all persons authorised by the Designated Premises Supervisor to sell alcohol shall be made in writing, such written authorisation to be made available to the Metropolitan Police and the Licensing Authority upon request.

7. An Incident Report Register shall be maintained and completed within 24 hours of any incident which shall detail the date, time, and location of any incidents at the premises including accidents; anti-social behaviour; incidents of disorder ejections from the premises; all crimes; any complaints concerning crime and disorder; all seizures of drugs and/or offensive weapons and any visit a relevant authority or emergency service for the purposes of preventing crime and disorder.

*This shall be made available for inspection upon request from the Metropolitan Police and/or the Licensing Authority.*

8. *Should CCTV become non-functional this shall be logged and repaired as soon as possible.*

9. *A log shall be kept at each bar of all instances where the sale and/or supply of alcohol has been refused, which shall detail the date and time of the refused sale; the staff member who refused the sale, the reason for the refusal and how the refusal was resolved. This log shall be made available for inspection by the Metropolitan Police and/or the Licensing Authority at all times when licensable activities are taking place.*

10. *In the event of a serious assault (actual or alleged) at the premises and the London Ambulance Service is called to attend the incident, the Premises Licence Holder shall:*

- (a) immediately notify the Metropolitan Police;*
- (b) have taken all measures that are reasonably practicable and safe to do so to apprehend any suspects pending arrival of the Metropolitan Police;*
- (c) where reasonably practicable, preserve the area of the assault/alleged assault; and*
- (d) take such other measures to protect the safety of all other persons at the premises.*

11. *A Challenge 25 Policy on the sale of alcohol and other age restricted products and proxy sales shall be in operation. Anyone who appears to be under the age of 25 shall be asked to produce appropriate photo identification before being served alcohol (i.e., driving licence, passport, HM Forces Warrant Card, PASS accredited proof of age card).*

12. *SIA registered security staff shall be positioned at all entry and exit points in operation during events to control entry and carry out searches if risk assessed as necessary for the event in the Security Management Plan, and to ensure an orderly dispersal from the event. Additional security may be deployed to other points as determined by the Security Management Plan. The Security Management Plan shall include an ejections policy, search policy and anti-theft policy in respect of customer belongings.*

13. *A Venue Operating Plan shall be in place which shall detail the general operating principles and procedures for the premises, including for events at the premises, and which shall be supplemented by event specific Event Safety Management Plans. Each event shall have a specific Event Safety Management Plan tailored for each event and*

*proportionate to the scope of the event. This shall include where applicable:*

- (a) Site Plan*
- (b) Event Overview*
- (c) Organisational Structure including Roles and Responsibilities*
- (d) Fire Risk Assessment*
- (e) Noise Management Plan*
- (f) Crowd Management Plan*
- (g) Drugs Policy*
- (h) Alcohol Management Plan*
- (i) Medical and Welfare Plan*
- (j) Accessibility Policy*
- (k) Safeguarding Children and Vulnerable Persons Policy*
- (l) CCTV Policy and Plan*
- (m) Major Incident and Emergency Evacuation Plan*
- (n) Ingress/Egress Dispersal Policy and Plan*
- (o) Waste Management Plan*
- (p) Traffic and Transport Management Plan*
- (q) Security Management Plan*
- (r) Risk Assessment*
- (s) Community Engagement and Liaison Plan*
- (t) Counter Terrorism and Risk Management Plan*

*All policies and plans set out above shall be in writing, reviewed by the Premises Licence Holder on an annual basis and made available to the Metropolitan Police and the Licensing Authority or Environmental Protection upon request.*

*14. A suitable number of security staff shall remain on duty following the end of each event to ensure the orderly dispersal of customers from the immediate vicinity of the premises. Such egress shall not hinder any access to public roads unless otherwise agreed with the Licensing Authority in advance and set out in the Security Management Plan.*

*15. For events that have been risk assessed as requiring searches to be carried out which shall be undertaken by SIA registered security staff while monitored by the CCTV system, anyone refusing to be searched shall be denied entry to the premises. The Risk Assessment shall determine the level of search to be undertaken according to the search policy as agreed with the Metropolitan Police Service. The conditions of entry shall be made available on tickets and/or prominently displayed at the entrances to the premises.*

*16. Where necessary as per the Risk Assessment, any queues that form outside the premises during an event shall be managed to ensure that there is no unauthorised obstruction of the public highway and to minimise public nuisance. This shall be managed by stewards or SIA security staff.*

17. *During events, external areas shall have a suitable number of security and stewarding staff to prevent nuisance behaviour as identified in the event Risk Assessment.*

18. *The Premises Licence Holder shall, where required by the Risk Assessment, ensure that a suitable Traffic and Transport Management Plan shall be in place and adhered to for all events to ensure that: (i) the transport facilities are available to transport persons to and from events and that the transport systems are not overloaded; and (ii) members of the public attending each event will be kept safe whilst travelling between the transport hub and the premises during ingress and egress.*

19. *The Premises Licence Holder shall ensure that an Ingress/Egress Dispersal Policy and Plan that covers all events is in place. This should detail how the Premises Licence Holder shall ensure that members of the public attending each event will be kept safe whilst travelling between the transport hub and the premises during ingress and egress.*

20. *The Premises Licence Holder shall have a Drugs Policy in place as agreed with the Metropolitan Police Service.*

21. *Where required for an event by the Risk Assessment and as set out in the Security Management Plan, there shall be regular security checks in the public toilets at the premises for the purposes of deterring and identifying any suspicious activities in relation to drug use by customers.*

22. *No alcohol shall be supplied to any person under 18 years of age. In accordance with current legislation drinking water shall be available to customers free of charge.*

23. *A Safeguarding Children and Vulnerable Persons Policy shall be in place for all events detailing how staff are to manage customers who are vulnerable due to intoxication from drugs and/or alcohol and where required by the Risk Assessment, use of identifiable dedicated welfare staff at peak times to monitor the welfare of customers including to spot customers who are at risk of becoming overly intoxicated and/or vulnerable and to liaise with management of the Premises Licence Holder as to assisting those customers where necessary. All such welfare interventions and outcomes shall be logged. The Premises Licence Holder shall operate in line with the Woman's Night Safety Charter and where risk assessed shall ensure that a vulnerability lead member of staff supervises adherence to the Safeguarding Children and Vulnerable Persons Policy. The Premises Licence Holder shall ensure that its staff are trained in Welfare and Vulnerability Engagement (WAVE) or other industry standard and given refresher courses on a regular basis.*



24. *In accordance with current legislation, smoking shall be prohibited except in designated areas. No smoking signs shall be clearly displayed within the premises.*

25. *The Premises Licence Holder shall notify the Licensing Authority and Metropolitan Police by email on a monthly basis of all events programmed for the upcoming month that are attended by the public to include the name of the event, nature of the event, capacity, start and finish times and the SIA security and stewarding provision for the event, with any subsequent material changes notified as soon as Premises Licence Holder is aware of such change.*

26. *All events shall have a Venue Duty Manager appointed by the Premises Licence Holder who shall be the designated point of contact for the Licensing Authority and Responsible Authorities throughout each event.*

27. *The Event Safety Management Plan and Venue Operating Plan shall form the framework within which all events are managed and operated. The conditions and procedures contained in the final version of the Event Safety Management Plan shall be followed and implemented.*

28. *Each event shall have a specific Event Safety Management Plan which shall set out in detail how the premises shall be kept secure and prevent unauthorised access.*

29. *The capacity for the premises shall be monitored during events to ensure that the capacity is not exceeded. A record of the capacity shall be maintained and made available to the Licensing Authority upon request.*

30. *A register shall be maintained by the security supplier of all security and stewarding staff employed at the premises containing their full names, date of birth, home address and where appropriate their SIA Licence details. This information shall be made available to the Metropolitan Police and the Licensing Authority upon request.*

31. *A traffic management company shall be employed at events, where required by the Risk Assessment, as per the Traffic and Transport Management Plan to implement road closures or pedestrian crossings in accordance with any Traffic Regulation Orders in place. Details of available public transport links and local taxi services shall be made available to customers.*

32. *The Premises Licence Holder shall comply with all licence obligations including nuisance from sound generated by the venue. Where regulated entertainment takes place at the premises, a sound monitoring system will be in place and managed by a sound engineer*

*to minimise noise nuisance. This monitoring will be controlled by the Premises Licence Holder's staff.*

*33. The Premises Licence Holder shall produce a Noise Management Plan.*

*34. There shall be a dedicated phone number for residents and businesses in the local area to contact the premises in the case of any concern during business hours and during an event.*

*35. Noise from amplified music shall not be such as to cause a noise nuisance (as evidenced) to occupants of nearby premises.*

*36. The external area shall not be used by patrons after 21:30 except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, which shall be limited to 40 persons at any one time.*

*37. Loudspeakers shall not be located in the entrance lobby or outside the premises building.*

*38. Except for ingress and egress of customers, all windows and external doors shall be kept closed when regulated entertainment is taking place inside the premises.*

*39. An Ingress/Egress Dispersal Policy and Plan shall be implemented for each event. Notices shall be displayed at exits of the premises requesting that customers leave the area quietly as directed by security and stewarding staff.*

*40. Cameras on entry and (non-emergency) exit points for the premises must capture full frame shots of the heads and shoulders of all people entering and leaving the premises, i.e., capable of identification and of evidential quality in any light conditions.*

*41. Signage shall be displayed in customer areas to advise that CCTV is in operation.*

*42. The Premises Licence Holder shall exercise due diligence across all event organisers and suppliers to ensure, as far as reasonably practicable, that each event organiser and suppliers are competent to operate a safe event.*

*43. An Alcohol Management Plan shall be in place at the premises. All staff involved in any managerial, supervisory or security roles for the sale of alcohol, during an event at the premises shall be trained in relation to the Alcohol Management Plan. Training records shall be kept and be accessible at the premises and made available to the Licensing Authority and/or the Metropolitan Police upon request.*

44. *All staff engaged in the sale and/or supply of alcohol shall receive training in the following areas on an annual basis:*

- (a) product age restrictions, proxy sales and offences under the Licensing Act 2003;*
- (b) challenge 25, and acceptable forms of ID;*
- (c) recognising signs of intoxication and how to refuse service; and*
- (d) emergency procedures and reporting;*
- (e) the bars shall be supervised by a Personal Licence holder.*

45. *A Risk Assessment for each event shall determine whether it is appropriate to serve drinks in glasses, bottles, or cans, or whether all alcohol shall be decanted into containers made from polycarbonate plastic or paper.*

46. *Notices shall be displayed at all bars indicating it is unlawful for a person under the age of 18 to purchase alcohol or for another person to purchase alcohol on behalf of such person.*

47. *A Fire Risk Assessment shall be carried out for the premises generally and reviewed on an annual basis.*

48. *As Risk Assessment shall determine the level of First Aid cover and facilities to be provided appropriate to each event.*

49. *The Premises Licence Holder shall ensure that any child performer is licensed with the local council's licensing unit and accompanied by a registered chaperone.*

50. *Where children are allowed on the premises, information shall be displayed at the premises as to what to do if there is a cause for concern regarding a child's welfare.*

51. *An Alcohol Management Plan shall be in place at the premises. All staff involved in any managerial, supervisory or security roles for the sale of alcohol, during an event at the premises shall be trained in relation to the Alcohol Management Plan. Training records shall be kept and be accessible at the premises and made available to the Licensing Authority and/or the Metropolitan Police upon request.*

52. *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*

53. *A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be*

*secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.*

54. *The number of persons permitted on the premises at any one time (excluding staff) shall not exceed [750] (internally) and [150] (externally) subject to the final capacity of the premises being agreed with the Tower Hamlets Environmental Health Service and the Licensing Authority replacing this condition on the licence with a condition detailing the capacity so determined.*

## **8.0 Conditions in consultation with the Responsible Authorities**

8.1 The above conditions have been agreed with Environmental Protection and Police.

## **9.0 Licensing Officer Comments**

9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31<sup>st</sup> March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.3 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - unamplified live music between 8am and 11pm in all venues.
  - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.4 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.5 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
  - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
  - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
  - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).

- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
  - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.6 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.9 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.10 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.11 In **Appendices 7 – 13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 10.0 Legal Comments

- 10.1 The Council’s legal officer will give advice at the hearing.

## 11.0 Finance Comments

11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the new application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps and photos of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Representation of Licensing Authority
<b>Appendix 6</b>	Representation of Health & Safety
<b>Appendix 7</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 8</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 9</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 10</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 11</b>	Public safety
<b>Appendix 12</b>	Planning
<b>Appendix 13</b>	Licensing Policy relating to hours of trading