

# Application for the grant of a Premises Licence: McDonalds, 22/24 Station Road, Hayes, UB3 4DA

Committee	Licensing Sub-Committee
Officer Contact	Mark Rose – Licensing Officer
Papers with report	<b>Appendix 1</b> - Application for the grant of a new premises licence <b>Appendix 2</b> - Plan of premises <b>Appendix 3</b> - Representation from a Ward Councillor <b>Appendix 4</b> - Representation from an Interested Party <b>Appendix 5</b> - Map of the area <b>Appendix 6</b> - Photo of the premises
Ward name	Hayes Town

## 1.0 SUMMARY

To consider an application for the grant of a new premises licence as seen in **Appendix 1** in respect of **McDonalds, 22/24 Station Road, Hayes, UB34DA** which has attracted representations, from a Ward Councillor and an interested party. The plan of the premises is attached here as **Appendix 2**.

## 2.0 RECOMMENDATION

That the Licensing Sub-Committee consider this application for the grant of a new premises licence in respect of **McDonalds, 22/24 Station Road, Hayes, UB34DA**.

## 3.0 APPLICATION

This new premises licence application has been submitted by Elaine Rayner, an agent, acting on behalf of the applicant Rocket Restaurants Limited.

This application has been submitted as permitted under Section 2(3) of the Licensing Act 2003 and it seeks permission for late-night refreshment, Monday to Sunday 23:00 hours to 00:00 hours. (7 days a week).

Opening hours sought are from Monday to Sunday from 06:00 – 00:00 hours 7 days a week.

The hours and the licensable activities are listed with further details in paragraphs 3.3 and 3.4 below.

### 3.1 Type of application applied for

New premises licence application pursuant to Section 17 of Licensing Act 2003.

### 3.2 Description of the premises

In section 5 in **Appendix 1**, the applicant has described the premises as follows-

Restaurant selling hot food and non-alcoholic drink for consumption on and off the premises.

The premises is situated on a busy road that has many restaurants and fast-food outlets. There are off licenses and a casino style establishment at 32/36 Station Road. There are 2 public houses in close vicinity.

It is situated between Boots and 'The Village' a shop containing 4 units which offers locksmith services, 2 hairdressers and a repair shop.

Many of the shops in the area appear to have residential properties above them.

### 3.3 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>
Late Night Refreshment	Indoors and Outdoors	x

### 3.4 Opening Hours and proposed hours for licensable activity

	Late Night Refreshment
<b>Monday</b>	23:00 - 00:00
<b>Tuesday</b>	23:00 - 00:00
<b>Wednesday</b>	23:00 - 00:00
<b>Thursday</b>	23:00 - 00:00
<b>Friday</b>	23:00 - 00:00
<b>Saturday</b>	23:00 - 00:00
<b>Sunday</b>	23:00 - 00:00

	Opening Hours of The Premises
<b>Monday</b>	06:00 – 00:00
<b>Tuesday</b>	06:00 – 00:00
<b>Wednesday</b>	06:00 – 00:00
<b>Thursday</b>	06:00 – 00:00
<b>Friday</b>	06:00 – 00:00
<b>Saturday</b>	06:00 – 00:00
<b>Sunday</b>	06:00 – 00:00

### 3.5 Other licensed premises nearby

Premises	Activities Authorised	Times Authorised
Sofia's Superstore 38 Station Road Hayes UB34DD	<b>Sale of alcohol – Off supplies only</b>	Monday to Sunday 09.00 hours to 21:30 hours.  Good Friday 08.00 hours to 22.30 hours Christmas Day 12.00 hours to 15.00 hours and 19.00 hours to 22.30 hours
The Old Crown 81 Station Road Hayes UB34BG	<b>Sale of alcohol – on and off sales only</b>  <b>Regulated entertainment.</b>	<b>a) Provision of live music:</b> From 10.00 hours until 00.00 hours every day <b>b) Provision of recorded music:</b> From 10.00 hours until 00.00 hours every day, except when the sale of alcohol is extended as in f) below then until 01.00 hours the following day.

	<b>Late night refreshment</b>	<p><b>c) Provision of facilities for making music:</b> From 20.00 hours until 00.00 hours every day except when the sale of alcohol is extended as in f) below then until 01.00 hours the following day.</p> <p><b>d) Provision of facilities for dancing:</b> From 20.00 hours until 01.00 hours every day except when the sale of alcohol is extended as in f) below then until 02.00 hours the following day.</p> <p><b>e) Provision of late night refreshment:</b> From 23.00 hours until 01.00 hours the following day, every day, except when the sale of alcohol is extended as in f) below then until 02.00 hours the following day.</p> <p><b>f) Sale of alcohol:</b> From 10.00 hours until 01.00 hours the following day, every day On Friday, Saturday, Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing day, from 10.00 hours until 02.00 hours the following day On New Years Eve, from 10.00 hours until 02.00 hours on New Years Day From 07.00 hours until 02.00 hours the following day on 15 occasions per calendar year, subject to providing the Licensing Service, the Councils Environmental Protection Unit and the Metropolitan Police Service 10 working days notice, and then only on receiving a subsequent 'CONSENT' from the Councils Licensing Service, in respect of this agreement to the specified day and/or times applied for.</p>
Save More Superstore 75 Station Road Hayes UB34BG	<b>Sale of alcohol – Off sales</b>	Between 08:00 hours and 00:00 hours Monday to Sunday
The Fone & Vape off licence 21 Station Approach Hayes UB34BD	<b>Sale of alcohol – off sales only</b>	From 08:00 hours until 23:00 hours every day

Hari News 17 Station Road Hayes UB34BD	<b>Sale of alcohol – off sales only</b>	From 07:00 hours until 23:00 hours Monday to Sunday
Global Wine Mart 18/20 Coldharbour lane Hayes UB33EW	<b>Sale of alcohol – off sales only</b>	Between 08:00 – 00:00 hours
Sira's 42/44 Coldharbour Lane Hayes UB33EP	<b>Sale of Alcohol – off sales only</b>	Monday to Saturday 08:00 hours to 21:00 hours Sunday 10:00 hours to 21:00 hours
Botwell Inn 25/29 Coldharbour Lane Hayes UB33EB	<b>Sale of alcohol –On and off sales</b>  <b>Late Night refreshment</b>	<p><b>Sale of alcohol</b></p> <p>On Sunday, Monday, Tuesday, Wednesday and Thursday, except Christmas Eve, New Years Eve and Boxing Day, between 09:00 hours and 00:30 hours.</p> <p>On Friday and Saturday, except Christmas Eve, New Years Eve and Boxing Day, between 09:00 hours and 01:00 hours.</p> <p>On Christmas Eve and Boxing Day between 09:00 hours and 02:00 hours.</p> <p>On New Years Eve from 09:00 hours until 09:00 hours on New Years Day</p> <p>An additional hour following the times detailed in above on:-</p> <p>Burns Night – 25 January Australia Day – 26 January St. David's Day – 1 March St. Patrick's Day – 17 March St George's Day – 23 April St. Andrew's Day - 30 November</p> <p>An additional 30 minutes following the times detailed in above on:-</p> <p>Thursdays preceding Easter Sundays preceding a Bank Holiday</p> <p>Between the hours of 06:00 and 03:00 the following day, on no more than 12</p>

<p>Botwell Inn 25/29 Coldharbour Lane Hayes UB33EB</p>	<p><b>Sale of alcohol –On and off sales</b></p> <p><b>Late Night refreshment</b></p>	<p>occasions per calendar year, subject to providing the Licensing Service, the Councils Environmental Protection Unit and the Metropolitan Police Service 10 working days notice, and then only on receiving a subsequent 'CONSENT' from the Councils Licensing Service, in respect of this agreement to the specified day and/or times applied for.</p> <p><b>Late night refreshment</b></p> <p>From 23.00 hours to the terminal times detailed above.</p> <p>On Sunday, Monday, Tuesday, Wednesday and Thursday, except Christmas Eve, New Years Eve and Boxing Day, between 07:00 hours and 01:30 hours.</p> <p>On Friday and Saturday, except Christmas Eve, New Years Eve and Boxing Day, between 07:00 hours and 02:00 hours.</p> <p>On Christmas Eve and Boxing Day between 07:00 hours and 03:00 hours.</p> <p>On New Years Eve from 07:00 hours until 07:00 hours on New Years Day.</p> <p>An additional hour to the times stated in above on:-</p> <p>Burns Night – 25 January Australia Day – 26 January St. David's Day – 1 March St. Patrick's Day – 17 March St George's Day – 23 April St. Andrew's Day -30 November</p> <p>An additional 30 minutes following the times detailed in above on:-</p> <p>Thursdays preceding Easter Sundays preceding a Bank Holiday</p>
<p>Salvador's Piri Piri 13 Coldharbour Lane Hayes UB33EA</p>	<p><b>Late Night refreshment</b></p>	<p>Each day between 23.00 hours and 03.00 hours the following day</p>
<p>Masters 5 Coldharbour Lane Hayes UB33EA</p>	<p><b>Sale of alcohol – off sales only</b></p>	<p>Monday to Saturday 0800 to 2300 hours Sunday 1000 to 2230 hours Good Friday 0800 to 2230 hours Christmas Day 1200 to 1500 and 1900 to 2230 hours</p>

Fone Station & Off Licence 6 Botwell Lane Hayes UB32AA	<b>Sale of alcohol – off sales only</b>	Monday to Sunday 08.00 hours to 23.00 hours
Papa John's 8 Botwell Lane Hayes UB32AA	<b>Late Night refreshment</b>	Sunday - Thursday 23:00 to 02:00 Friday - Saturday 23:00 to 03:00
Best Food & Wine 25 Botwell Lane Hayes UB32AB	<b>Sale of alcohol – off sales only</b>	Monday to Saturday 08.00 hours to 23.00 hours Sunday 10.00 hours to 22.30 hours Good Friday 08.00 hours to 22.30 hours Christmas Day 12.00 hours to 15.00 hours and 19.00 hours to 22.30 hours

### 3.6 Operating Schedule and Conditions

Section 18 of the operating schedule of the application in **Appendix 1** demonstrates the steps the applicant proposes to take to promote the licensing objectives.

## 4.0 **CONSULTATION**

### 4.1 Closing date for representations

14<sup>th</sup> February 2025.

### 4.2 Public Notice published in local newspaper

22<sup>nd</sup> January 2025 – West London Gazette.

## 5.0 **REPRESENTATIONS**

5.1 We have received no representations from the Licensing Authority or the Metropolitan Police, acting as Responsible Authorities under the Act.

5.2 We have received representations a local ward Councillor in Janet Gardner, and David Brough on behalf of Hayes Town Ward Safer Neighbourhood Panel.

<b>Interested Parties</b>	<b>Ground for Representation</b>	<b>Appendix</b>
Cllr Janet Gardner	Prevention of Crime and Disorder Prevention of Public Nuisance	<b>Appendix 3</b>
David Brough	Prevention of Crime and Disorder Prevention of Public Nuisance Protection of Children from Harm Public Safety	<b>Appendix 4</b>

## **6.0 BACKGROUND INFORMATION**

- 6.1 A map of the area is attached as **Appendix 5**.
- 6.2 A photo of the premises is attached as Appendix **6**.
- 6.3 There have been no recorded Members' Enquires for this premises.
- 6.4 Hayes Methodist Church is approx. 70 metres from the premises.

## **7.0 RELEVANT SECTIONS OF S.182 GUIDANCE**

### **7.1 Where representations are made**

**At paragraph 9.3** it states that "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), 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). 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.

### **7.2 Relevant, vexatious and frivolous representations**

**At paragraph 9.4** it states that "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."

**At paragraph 9.9** it states that "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 the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it."

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

**At paragraph 9.42** it states that "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".

**At paragraph 9.43** it states that "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".

**At paragraph 9.44** it states that "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, the Revised Guidance issued under section 182 of the Licensing Act 2003 informs that 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".

#### **7.4 Proportionality**

**At paragraph 10.2** it states, "Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.

Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided."

**At paragraph 10.8** it states, "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.

In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."

**At paragraph 10.9** It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

**At paragraph 10.10** it states that "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late-night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives".



## **7.5 Hours of Trading**

**At paragraph 10.13** it states "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application".

**At paragraph 10.14** it 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."

**At paragraph 10.15** it states "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours."

## **7.6 Licensing Hours**

**At paragraph 14.51** With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

**At paragraph 14.52** Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

## **7.7 The Need for Licensed Premises**

**At paragraph 14.19** There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

## **8.0 RELEVANT SECTIONS OF HILLINGDON'S LICENSING POLICY**

### **8.1 Licensing Objectives – The Prevention of Crime and Disorder**

**At paragraph 10.1** Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate

representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.

**At paragraph 10.3** Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however there is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.

**At paragraph 10.6** Applications referred to the Licensing Sub-Committee where relevant representations have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered appropriate in respect of the Crime and Disorder objective.

## **8.2 Licensing Objectives – Public Safety**

**At paragraph 11.5** Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Public Safety objective.

## **8.3 Licensing Objectives – The Prevention of Public Nuisance**

**At paragraph 12.1** Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. This may also include patrons outside a premises and the dispersal of customers. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.

**At paragraph 12.7** Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective.

## **8.4 Licensing Objectives – The Protection of Children from Harm**

**At paragraph 13.7** Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.

## **8.5 Representations**

**At paragraph 17.2** Representations can be made to the Council, as Licensing Authority, by a 'Responsible Authority' or by 'Interested Parties' which include individuals such as residents or bodies such as a resident's association, trade associations and other businesses operating. Representations can be made concerning:

- Applications for new premises licences or club premises certificates
- Applications to vary premises licences or club premises certificates
- Personal licence applications on criminal grounds (only by the Police)

**At paragraph 17.9** The Licensing Act 2003 also permits Elected Members to make representations on their own behalf as well as on behalf of their constituents. Members of the public who are making representations may also request that their Ward Councillor speaks on their behalf at public hearings to determine applications.

**At paragraph 17.11** Written representations include letters and emails. Representations received after the end of the public consultation period cannot legally be accepted and will not be considered by the Licensing Authority.

**At paragraph 17.12** Representations must contain;

- a) The name, full address & post code, of the person making them;
- b) The reasons for their representation;
- c) Which of the four Licensing Objectives the representation relates to i.e. Crime and disorder; Public Nuisance; Public safety; Protection of children from harm.

**At paragraph 17.14** Representations based on 'Need' for licensed premises, concerns the commercial demand for another pub, restaurant, off licence or hotel. This is not a matter for the licensing authority in discharging its licensing functions. 'Need' is a matter for planning committees and for the market. Representations made on the basis of need are likely to be rejected.

**At paragraph 17.15** All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted.

## **8.6 Licensing Hours**

**At paragraph 25.1** Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously.

**At paragraph 25.2** The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times.

**At paragraph 25.3** Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case.

**At paragraph 25.4** In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.

**At paragraph 25.5** Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

## **8.7 Licence Conditions**

**At paragraph 20.1** Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act (current list included as Appendix G)
- Measures decided at a hearing by the Licensing Sub Committee

**At paragraph 20.2** Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule.

**At paragraph 20.3** Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity. Conditions imposed by the Licensing Authority shall be appropriate, reasonable, and proportionate and should be determined on a case-by-case basis.

**At paragraph 20.4** The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances.

## **9.0 LEGAL CONSIDERATIONS**

9.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

9.2 Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

9.3 An application for a new premises licence may be made pursuant to s.16 and s.17 of the Act, and with regard to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42 and the licensing Act 2003 (Fees) Regulations 2005/79.

9.4 The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

9.5 Where relevant representations are made, the Licensing Authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary s.18(3)(a) Licensing Act 2003.

9.6 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licensing authority, frivolous or vexatious s.18(7) Licensing Act 2003.

- 9.7 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live within the vicinity of the premises. All applications will be decided on a case-by-case basis.
- 9.8 Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.18(3(b) and (4) Licensing Act 2003, a decision can be taken: -
- i. To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
  - ii. To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
  - iii. To exclude any of the licensable activities to which the application relates;
  - iv. To amend the times for all or some of the licensable activities;
  - v. To refuse to specify a person in the licence as the premises supervisor;
  - vi. To reject the application.
- 9.9 Conditions will not be necessary if they duplicate a current statutory requirement. The licensing Authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 9.10 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.
- 9.11 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- i. Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - iii. Foster good relations between persons who share relevant protected characteristics and persons who do not.
- 9.12 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics these are:
- i. age
  - ii. gender reassignment
  - iii. being married or in a civil partnership
  - iv. being pregnant or on maternity leave
  - v. disability
  - vi. race including colour, nationality, ethnic or national origin
  - vii. religion or belief
  - viii. sex
  - ix. sexual orientation
- 9.13 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.
- 9.14 Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.

