

Application for the grant of a new Premises Licence for Pepe's Piri Piri, 3 Byron Parade, Uxbridge Road, Uxbridge

Committee	Licensing Sub-Committee
Officer Contact	Lois King, Principal Licensing Officer
Papers with report	Appendix 1 – Application form & plan Appendix 2 – Representation from Responsible Authority Appendix 3 – Representations from Interested Parties (3A – 3B) Appendix 4 – Map of the area Appendix 5 – Photo of the premises
Ward name	Hillingdon East

1.0 SUMMARY

To consider an application for the grant of a new premises licence in respect of Pepe's Piri Piri, 3 Byron Parade, Uxbridge Road, Uxbridge, UB10 0LZ. The application form and plan are appended as **Appendix 1**. Three Representations have been received, one from the Environmental Protection Team as a Responsible Authority and two from Interested Parties.

2.0 RECOMMENDATION

That the Licensing Sub-Committee consider the application for the grant of a new premises licence in respect of Pepe's Piri Piri, 3 Byron Parade, Uxbridge Road, Uxbridge, UB10 0LZ.

3.0 APPLICATION

3.1 Licensable Activities

A new premises licence application pursuant to section 17 of the Licensing Act 2003 has been made by AR&TripleA Limited. The application seeks authorisation for the provision of late-night refreshment Monday to Sunday from 23.00 hours to 03:00 hours both indoors and outdoors.

The proposed opening times are Monday to Sunday from 11:00 hours to 03:00 hours

3.2 Description of the premises

The premises is a fast-food outlet selling hot food and non-alcoholic drinks for consumption on and off the premises. It is situated in Byron Parade by a busy road (Uxbridge Road) where there are several fast-food outlets, a restaurant, several off licences and a bar/restaurant with a shisha lounge nearby.

There are residential properties in Star Road and Heath Road and above the parade of shops.

3.3 Other licensed premises nearby

Premises	Activities Authorised	Hours
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<p>Tamara Lounge 4 Byron Parade Uxbridge Road, Hillingdon UB10 0NA</p>	<p>The sale by retail of alcohol (on & off supplies)</p> <p>The provision of regulated entertainment being:-</p> <p>(i) performance of live music (indoors) (ii) playing recorded music (indoors only) (iii) performance of dance (indoors) (iv) entertainment of a similar description (indoors only) (v) indoor sporting events (indoors only)</p> <p>The provision of late-night refreshment (indoors only)</p>	<p>Sale of Alcohol (on & off supplies) & Regulated Entertainment:</p> <p>Sunday to Wednesday between 11.00 hours and 23.00 hours</p> <p>Thursday between 11.00 hours and 23.30 hours</p> <p>Friday and Saturday between 11.00 hours and 01.30 hours the following day</p> <p>Late night refreshment</p> <p>Thursday between 23.00 hours and 23.30 hours</p> <p>Friday and Saturday between 23.00 hours and 01.30 hours the following day</p> <p>Opening hours</p> <p>Sunday to Wednesday from 10.00 hours to 00.00 hours</p> <p>Thursday between 10.00 hours and 00.30 hours</p> <p>Friday and Saturday from 10.00 hours to 02.00 hours the following day</p>
<p>Star of India 6 Byron Parade Uxbridge Road Hillingdon UB10 0LZ</p>	<p>Sale by retail of alcohol (on supplies only)</p> <p>Recorded music</p> <p>The provision of entertainment facilities for making music, dancing and entertainment of a similar description for private functions.</p> <p>Provision of late-night refreshment</p>	<p>The sale of alcohol by retail (on supplies only)</p> <p>On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 24.00 hours.</p> <p>On Sundays, Christmas Day and on Good Friday, between 12.00 and 23.30 hours.</p> <p>In addition to the hours detailed above from the start of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.</p> <p>Late night refreshment</p>

		<p>From 23.00 to 30 minutes after the terminal time for the sale of alcohol</p> <p>The provision of recorded music is not time restricted</p> <p>The provision of entertainment facilities for making music, dancing and entertainment of a similar description is not time limited for the purpose of private functions.</p> <p>Opening hours</p> <p>Not restricted</p>
<p>Tropics Grill 3 Halls Terrace Uxbridge Road Hillingdon UB10 0NS</p>	<p>Sale by retail of alcohol (off supplies only)</p> <p>Provision of late-night refreshment</p>	<p>Sale of alcohol (off supplies only)</p> <p>From 10.00 hours until 00.00 hours everyday</p> <p>Provision of late-night refreshment</p> <p>From 10.00 hours until 03.00 hours the following day, everyday.</p> <p>Opening hours</p> <p>From 10.00 hours until 03.00 hours the following day, everyday</p>
<p>New Moon Pizza 4 Halls Terrace Uxbridge Road Hillingdon UB10 0NS</p>	<p>Provision of Late-Night Refreshment</p>	<p>Provision of Late-Night Refreshment</p> <p>From 23:00 hours to 02:00 hours the following day, everyday</p> <p>Opening hours</p> <p>From 12:00 hours to 02:00 hours the following day, everyday</p>
<p>Yumchi 5 Halls Terrace Uxbridge Road Hillingdon UB10 0NS</p>	<p>Provision of Late-Night Refreshment</p>	<p>Provision of Late-Night Refreshment</p> <p>From 23.00 hours to 24.00 hours every day</p> <p>Opening hours</p> <p>From 12.00 hours to 00.15 hours the following day, every day</p>

Chicken Cottage 5A Westbourne Parade Hillingdon UB10 0NY	Provision of late-night refreshment	Provision of late-night refreshment Monday to Sunday 23:00 – 03:00 Opening hours Monday to Sunday 11:00 – 03:00
Dominos 1 Hillingdon Parade Uxbridge Road Hillingdon UB10 0PE	Provision of Late-Night Refreshment	Provision of Late-Night Refreshment Monday to Sunday 23:00 to 03:00 the following day Opening Hours Monday to Sunday 11:00 to 03:00 the following day
KFC 8 Whiteleys Parade Uxbridge Road Hillingdon UB10 0PD	Provision of Late-Night Refreshment	Provision of Late-Night Refreshment Monday to Sunday 2300 to 0200 hours the following day Opening hours Not restricted

A map of nearby licensed premises can be found in **Appendix 4**.

3.4 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

12th June 2025

However, it came to the attention of the Licensing Team that the Public Notice, which had been displayed at the premises, contained incorrect information in relation to the date by which Representations could be made to the Licensing Authority – the last date was given as 16th June 2025 and not 12th June 2025.

This resulted in a Representation from an Interested Party being received by the Licensing Authority on 16th June 2025 and the objector being advised that their Representation could not be accepted because the last date by which they had to be received was 12th June 2025.

A Licensing Officer subsequently visited the premises on 17th June 2025 and noted that the Public Notice was still on display. They confirmed that the last date for Representations on the Notice was 16th June 2025.

Legal advice was sought and after reviewing the legislation (the Licensing Act 2003 and Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005) along with the Section 182 guidance and the Council's Licensing Policy, it was decided that the consultation would have to be restarted.

The closing date for Representations was 23rd July 2025.

4.2 Public Notice published in local newspaper

Wednesday 21st May 2025

The last date for Representations to be received by the Licensing Authority was correct in the Public Notice which was published in the local newspaper.

5.0 REPRESENTATIONS

5.1 We have received a representation from the Environmental Protection Team acting as Responsible Authority under the Act.

Responsible Authorities	Grounds for Representation	Appendix
Environmental Protection Team	Prevention of Public Nuisance	Appendix 2

5.2 We have received two Representations from Interested Parties.

Interested Parties	Grounds for Representation	Appendix
Ritesh Pankhania	Prevention of Public Nuisance Public Safety Protection of Children from Harm	Appendix 3A
Dorren Ellis	Prevention of Public Nuisance	Appendix 3B

6.0 BACKGROUND INFORMATION

6.1 A map of the area is attached as **Appendix 4**.

6.2 A photograph of the premises is attached as **Appendix 5**.

7.0 OFFICER'S OBSERVATIONS

7.1 This is an application for a premises licence for a fast-food outlet selling hot food and non-alcoholic drinks for consumption on and off the premises that are seeking to be authorised for the provision of late-night refreshment Monday to Sunday between the hours of 23:00 and 03:00 hours.

The premises is situated in Byron Parade by a busy road (Uxbridge Road) where there are several fast-food outlets, a restaurant, several off licences and a bar/restaurant with a shisha lounge nearby.

There are residential properties in Star Road and Heath Road and above the parade of shops.

The Licensing Authority has not received any complaints directly about this premises.

There have been no recorded Members Enquiries for this premises.

7.2 The representations received have raised the following issues:

a) **The Prevention of Public Nuisance**

The Environmental Protection Team manager, Mr Boniface, has stated in his Representation that he has visited the premises and undertaken an inspection of their operations and their extract system. Having heard a “very loud, intrusive and disturbing noise” from the extraction system in the vicinity of Star Road, in the yard area and in the balcony area serving the flats above the premises, he has raised concerns about the potential for public noise nuisance and a statutory nuisance if this noise was present during sleep hours (after 23:00 hours).

Problems with noise from patrons and from delivery vehicles was also highlighted in the Representation given the lateness of the hours applied for.

In addition, Mr Boniface has stated that during the visit he observed that the extract system terminated at low level, below the level of windows of the flats above and within a few metres of the first property in Star Road. Within the partially enclosed yard area to the rear of the premises he could smell a very strong odour from the premises which was characterised predominantly by the smell of smoke and burning grease.

Mr Boniface has had the opportunity to discuss the design of the extract and view noise report data but he feels that both odour and noise emissions were significantly higher than would be expected.

Due to the copyright restrictions imposed by the designer, the details of the kitchen ventilation system design cannot be reproduced in this report without consent. The applicant advised that he had sought consent from the designer but that it had been denied.

Mr Pankhania has expressed concerns that the late-night hours are excessive and inappropriate for a residential area. He feels that they will reduce residents’ quality of life by disturbing sleep and potentially encouraging further anti-social behaviour in an area which he says already has issues with noise, littering (with the corner by the estate agents being a hot spot for fly tipping and food waste) and groups loitering late at night.

Ms Ellis echoes some of Mr Pankhania’s concerns in relation to the anti-social behaviour she says residents are already experiencing being increased by another business being granted late night hours thus further impacting on their quality of life.

b) **Public Safety**

Mr Pankhania has expressed concerns about nighttime traffic and delivery activity in a narrow, busy road posing a safety risk. He cites an accident which required the Police to close the main road and a serious incident involving an attack. In addition, he has stated that delivery drivers regularly enter Star Road via the “no entry” route, drive at dangerous speeds and park illegally on the footpath on the corner of the junction.

Ms Ellis already feels intimidated by the anti-social behaviour taking place in the area and is concerned about the impact that another late-night venue will have on this situation and therefore her quality of life.

c) **Protection of Children from Harm**

Mr Pankhania has expressed concerns about the impact that granting a late-night licence will have on families and children, especially in terms of sleep disturbance and further unsafe and/or anti-social behaviour.

7.3 Mediation

The Representations have been sent to the applicant who has provided a response, including an offer to amend the hours as follows:

Sunday to Wednesday - 2am
Thursday/ Friday/ Saturday - 3am

Mediation is currently being attempted.

8.0 **Relevant sections of s.182 Guidance**

Where representations are made

- 8.1 **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.

Relevant, vexatious and frivolous representations

- 8.2 **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.”
- 8.3 **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.”

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

- 8.4 **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".
- 8.5 **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".
- 8.6 **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, 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".

Proportionality

- 8.7 **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."
- 8.8 **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."
- 8.9 **At paragraph 10.9** It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

- 8.10 **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 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".

Hours of trading

- 8.11 **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".
- 8.12 **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."

Licensing hours

- 8.13 **At paragraph 14.51** it states "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".
- 8.14 **At paragraph 14.52** it states "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".

8.15 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.

9.0 Relevant sections of Hillingdon’s Licensing Policy

Licensing Objectives – The Prevention of Crime and Disorder

- 9.1 **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.
- 9.2 **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.
- 9.3 **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.

Licensing Objectives – Public Safety

- 9.4 **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.

Licensing Objectives – The Prevention of Public Nuisance

- 9.5 **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.

- 9.6 **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.

9.7 **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.

Representations

- 9.8 **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 residents 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)

- 9.9 **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.

- 9.10 **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.

- 9.11 **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.

Licensing Hours

- 9.12 **At Paragraph 25.1** it states that "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".

- 9.13 **At Paragraph 25.2** it states that "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".
- 9.14 **At Paragraph 25.3** it states that "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".
- 9.15 **At Paragraph 25.4** it states that "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".

Licence Conditions

- 9.16 **At Paragraph 20.1** it states that "Conditions on premises licences and club certificates are determined by:
- a) The measures put forward on the Operating Schedule
 - b) Mandatory conditions within the Act
 - c) Measures decided at a hearing by the Licensing Sub Committee"
- 9.17 **At Paragraph 20.2** it states that "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".
- 9.18 **At Paragraph 20.3** it states that "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".
- 9.19 **At Paragraph 20.4** it states that "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".

10.0 LEGAL CONSIDERATIONS

- 10.1 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

- 10.2 Members should note that each objective is of equal importance. There are no other licencing objectives and the four objectives are paramount considerations at all times.
- 10.3 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.
- 10.4 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
- 10.5 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.
- 10.6 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 licencing authority, frivolous or vexatious s.18(7) Licensing Act 2003.
- 10.7 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.
- 10.8 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:-
- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
 - To exclude any of the licensable activities to which the application relates;
 - To amend the times for all or some of the licensable activities;
 - To refuse to specify a person in the licence as the premises supervisor;
 - To reject the application.
- 10.9 Conditions will not be necessary if they duplicate a current statutory requirement. The licencing Authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 10.10 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.

10.11 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.

10.12 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

10.13 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.

10.14 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.