

**Application for the grant of a Premises Licence: The Gallery Bar, 127-128 High Street, Uxbridge, UB81DJ**

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Licensing Officer – Mark Rose
<b>Papers with report</b>	<b>Appendix 1</b> - Application for the grant of a new premises licence <b>Appendix 2</b> - Plan of premises (2390/25) <b>Appendix 3</b> - Representation from the Licensing Authority <b>Appendix 4</b> - Representation from the Metropolitan Police <b>Appendix 5</b> - Map of the area <b>Appendix 6</b> - Photo of the premises <b>Appendix 7</b> - Photo of the building from Google Street view (2024)
<b>Ward name</b>	<b>Uxbridge</b>

## 1.0 SUMMARY

To consider an application for the grant of a new premises licence as seen in **Appendix 1** in respect of **The Gallery Bar, 127-128 High Street, Uxbridge, UB81DJ** which has attracted representations, from the Licensing authority and the Metropolitan Police. 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 **The Gallery Bar, 127-128 High Street, Uxbridge, UB81DJ**.

## 3.0 APPLICATION

This new premises licence application has been submitted by Joanna Onisiforou, an agent from Irwin Mitchell, acting on behalf of the applicant Art and Gallery Bar Ltd, a registered company (number 15667801).

This application has been submitted as permitted under Section 2(3) of the Licensing Act 2003 and it seeks permission for the following licensable activities-

**Provision of Films.** Monday to Sunday, 7 days a week for the hours of 0900 – 0000 each day.

**Provision of Live music.** Monday to Wednesday between the hours of 2300 – 0000. Thursday would be 2300 – 0230 hours. With Friday and Saturday being 2300 – 0300 hours, and lastly Sunday 2300 – 0100 hours.

**Provision of Recorded Music.** The same hours above detailed for Live music.

**Provision of performance of dance.** Monday to Wednesday 0900 - 0000 hours, Thursday 0900 – 0230 hours. Fridays and Saturdays 0900 – 0300 hours and Sundays 0900 – 0100 hours.

**Provision of anything of a similar description to live music, recorded music or performances of dance.** Monday to Wednesday 0900 - 0000 hours, Thursday 0900 – 0230 hours. Fridays and Saturdays 0900 – 0300 hours and Sundays 0900 – 0100 hours.

**Late night refreshment.** Monday to Wednesday 0900 - 0000 hours, Thursday 0900 – 0230 hours. Fridays and Saturdays 0900 – 0300 hours and Sundays 0900 – 0100 hours.

**Supply of alcohol.** Monday to Wednesday 0900 - 0000 hours, Thursday 0900 – 0230 hours. Fridays and Saturdays 0900 – 0300 hours and Sundays 0900 – 0100 hours.

**Opening hours** sought are Monday to Wednesday 0900 - 0030 hours, Thursday 0900 – 0300 hours. Fridays and Saturdays 0900 – 0330 hours and Sundays 0900 – 0130 hours.

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 'BAR' only.

The premises is situated on a busy road that has many restaurants, pubs and fast-food outlets. There are 2 public houses in close vicinity, namely Whelans and a Wetherspoons (Good Yarn). There is also a McDonalds at 124/125 High Street.

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

Opposite the premises is a multi-storey car park with shops on the ground floor (Tesco Express).

3.3 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>
Provision of films	Indoors	X
Provision of live music	Indoors	X
Provision of recorded music	Indoors	X
Provision of performance of dance	Indoors	X
Provision of a similar description	Indoors	X
Late night refreshments	Indoors	X
Supply of Alcohol	On and Off the Premises	X

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

	Films	Live Music	Recorded music	Performance of Dance	Anything of a similar description	Late-Night Refreshments	Supply of alcohol
<b>Mon</b>	0900-0000	2300-0000	2300-0000	0900-0000	0900-0000	0900-0000	0900-0000
<b>Tues</b>	0900-0000	2300-0000	2300-0000	0900-0000	0900-0000	0900-0000	0900-0000
<b>Weds</b>	0900-0000	2300-0000	2300-0000	0900-0000	0900-0000	0900-0000	0900-0000
<b>Thurs</b>	0900-0000	2300-0230	2300-0230	0900-0230	0900-0230	0900-0230	0900-0230
<b>Fri</b>	0900-0000	2300-0300	2300-0300	0900-0300	0900-0300	0900-0300	0900-0300
<b>Sat</b>	0900-0000	2300-0300	2300-0300	0900-0300	0900-0300	0900-0300	0900-0300
<b>Sun</b>	0900-0000	2300-0100	2300-0100	0900-0100	0900-0100	0900-0100	0900-0100

	Opening Hours of The Premises
<b>Monday</b>	09:00 – 00:30
<b>Tuesday</b>	09:00 – 00:30
<b>Wednesday</b>	09:00 – 00:30
<b>Thursday</b>	09:00 – 03:00
<b>Friday</b>	09:00 – 03:30
<b>Saturday</b>	09:00 – 03:30
<b>Sunday</b>	09:00 – 01:30

### 3.5 Other licensed premises nearby

Premises	Activities Authorised	Times Authorised
Nonna Rosa Restaurant 119 High Street Uxbridge	<p>The provision of regulated entertainment for recorded music and private music and dancing</p> <p>The supply by retail of alcohol – On only</p> <p>The provision of late-night refreshment</p>	<p><b>The sale of alcohol by retail</b> On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 00.00 hours.</p> <p>On Sundays, Christmas Day and on Good Friday, between 12.00 and 23.30 hours.</p> <p>When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 00.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 23.30.</p> <p>When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 00.00 hours on New Year's Day.</p> <p><b>Late night refreshment</b> From 23.00 until 30 minutes after the terminal time for the sale of alcohol.</p> <p><i>The provision of recorded music is not time restricted</i></p>

<p>Bar Italia 120 High Street Uxbridge</p>	<p>The sale by retail of alcohol – On and Off Sales</p> <p>The provision of regulated entertainment (indoors only) being: -</p> <ul style="list-style-type: none"> <li>• performance of live music</li> <li>• playing recorded music</li> </ul> <p>The provision of late-night refreshment (indoors only)</p>	<p><b>Live Music:</b> From 20.00 hours until 02.30 hours the following day, everyday</p> <p><b>Recorded Music:</b> From 12.00 hours until 02.30 hours the following day, everyday</p> <p><b>The sale of alcohol by retail:</b> From 12.00 hours until 02.30 hours the following day, Sunday to Thursday From 12.00 hours until 03.00 hours the following day, Friday &amp; Saturday</p> <p><b>Off sales from Midday until 22:00 Monday to Sunday</b></p> <p><b>Late Night refreshment:</b> From 23.00 hours until 02.30 hours the following day, Sunday to Thursday From 23.00 hours until 02.00 hours the following day, Friday &amp; Saturday</p> <p>All Licensable Activities authorised to 04.00 hours on New Years Day</p> <p>All Licensable Activities authorised for 1 extra hour at the beginning of Daylight Savings Time</p> <p>All Licensable Activities authorised to 04.00 hours on Christmas Day</p>
<p>The Good Yarn 132 High Street Uxbridge</p>	<p>The sale by retail of alcohol – On and Off Sales</p> <p>The provision of regulated entertainment (Indoors) for: -</p> <ul style="list-style-type: none"> <li>• Films</li> <li>• Live music,</li> <li>• Recorded music</li> <li>• Performances of dance and</li> <li>• Anything of a similar description</li> </ul>	<p><b>Sale of alcohol:</b> Sunday to Thursday, between 09:00 and 00:30 hours the following day. Friday and Saturday between 09:00 and 01:00 hours the following day</p> <p>In addition to the hours detailed above:</p> <p>On Christmas Eve and Boxing Day between 09:00 and 02:00 hours the following day.</p>

	<p>The provision of late-night refreshment(Indoors)</p>	<p>On New Years Eve from 09:00 hours until 09:00 hours on New Years Day.</p> <p><b>Provision of late-night refreshment:</b></p> <p>Sunday to Thursday between 23:00 and 00:30 hours.</p> <p>Friday and Saturday between 23:00 and 01:00 hours.</p> <p>In addition to the hours detailed above:</p> <p>On Christmas Eve and Boxing Day between 23:00 and 02:00 hours.</p> <p>On New Years Eve from 23:00 hours until 05:00 hours on New Years Day.</p> <p>For all licensable activities:</p> <p>On the days stated below, an additional hour following the times detailed above:-</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>On the days stated below, an additional 30 minutes following the times detailed above:-</p> <p>Thursdays preceding Easter</p> <p>Sundays preceding a Bank Holiday</p> <p>Between the hours of 06:00 and 03:00 the following day, on no more than 12 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>
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		An additional hour on the morning of the day the clocks go forward (from Greenwich Meantime to British Summer Time)
Caretta Caretta 133 High Street Uxbridge	<p>The sale by retail of alcohol – On and Off Sales</p> <p>Late Night Refreshment</p> <p>Recorded Music</p>	<p><b>Sale of alcohol</b> Monday to Thursday 11:00 – 23:00 Friday to Saturday 11:00 – 00:00 Sunday 11:00 – 23:00</p> <p><b>Late Night Refreshment</b> Friday to Saturday 11:00 – 00:00</p> <p><b>Recorded Music</b> Monday to Thursday 11:00 – 23:00 Friday to Saturday 11:00 – 00:00 Sunday 11:00 – 23:00</p>
Subway 134 High Street Uxbridge	Provision of Late Night Refreshment	<p>Thursday 23:00 - 02:00</p> <p>Friday - Saturday 23:00 - 04:00</p>
Whelans 135 High Street Uxbridge	<p>The sale by retail of alcohol – On sales only</p> <p>The provision of regulated entertainment (indoors only) being:-</p> <ul style="list-style-type: none"> <li>• performance of live music</li> <li>• playing recorded music</li> </ul> <p>The provision of late night refreshment (indoors)</p>	<p><b>The sale by retail of alcohol</b> Mondays to Thursdays, between 09.00 hours and 02.00 hours the following day.</p> <p>Fridays and Saturdays, between 09.00 hours and 04.00 hours the following day.</p> <p>On Sundays, between 09.00 hours and 00.30 hours the following day.</p> <p>An extra hour to the finish time on Christmas Eve, New Years Eve and Bank Holidays</p> <p><b>The provision of regulated entertainment</b> Mondays to Thursdays between 20.00 hours and 02.00 hours the following day.</p> <p>Fridays and Saturdays, between 20.00 hours and 04.00 hours the following day.</p> <p>On Sundays, between 20.00 hours and 00.30 hours the following day.</p> <p>An extra hour to the finish time on Christmas Eve, New Years Eve and Bank Holidays</p>

		<b>The provision of late night refreshment</b> Mondays to Thursdays between 23.00 hours and 02.00 hours the following day.  Fridays and Saturdays, between 23.00 hours and 04.00 hours the following day.  On Sundays, between 23.00 hours and 00.30 hours the following day.
German Doner kebab 137-138 High Street Uxbridge	Provision of late-night refreshment (indoors only)	Sunday – Thursday between 23.00 hours and 01.00 hours the following day Friday - Saturday between 23:00 hours and 03:00 hours the following day
Peri Peri King Express 139-140 High Street Uxbridge	Provision of late-night refreshment	From 23.00 hours until 02:00 hours Sunday to Wednesday  From 23.00 hours until 02.30 hours Thursday to Saturday
Wendys 57 High Street Uxbridge	Late Night refreshment	Friday & Saturday from 23:00 until 00:00
KFC 237 High Street Uxbridge	Late Night refreshment	Monday to Sunday 2300 to 2330 hours
Tesco Express 62 High Street Uxbridge	Sale of alcohol – off sales only	Monday to Sunday 06.00 hours to 00.00 hours

### 3.6 Operating Schedule and Conditions

The applicants did not fill in section 18 of the operating schedule with details in **Appendix 1**; however, they included 2 extra pages of additional information to cover the operating schedule to demonstrate the steps the applicant proposes to take to promote the licensing objectives. (last 2 pages of appendix 1).



## 4.0 CONSULTATION

- 4.1 Closing date for representations  
24<sup>th</sup> August 2025.
- 4.2 Public Notice published in local newspaper  
6th August 2025 – West London Gazette.

## 5.0 REPRESENTATIONS

- 5.1 We have received a representation from the Licensing Authority and the Metropolitan Police, acting as Responsible Authorities under the Act.
- 5.2 We have received no representations from Councillors or members of the public.

Responsible authorities	Ground for Representation	Appendix
Licensing Authority	Prevention of Crime and Disorder Prevention of Public Nuisance	<b>Appendix 3</b>
Metropolitan Police	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**, as this shows very little at the present time as the premises is covered by scaffolding, I have attached **appendix 7** a photo taken from google street view from 2024 showing the premises before the building work started.
- 6.3 There have been no recorded Members' Enquires for this 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".

## **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.

## **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 17.15** 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.

## **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.