

# Application for the grant of a Premises Licence: Home Bargains, Unit 2, Harefield Road, Uxbridge UB8 1ZZ

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Lois King, Licensing
<b>Papers with report</b>	<b>Appendix 1</b> - Application form and plan <b>Appendix 2</b> - Representations from N Johnson <b>Appendix 3</b> - Representations from Residents' Association <b>Appendix 4</b> - Map of the area
<b>Ward name</b>	<b>Uxbridge</b>

## 1.0 SUMMARY

To consider an application for the grant of a new Premises Licence in respect of Home Bargains, Unit 2, Harefield Road, Uxbridge UB8 1ZZ. The application form and plan is appended as **Appendix 1** and has attracted representations from a resident and the North Uxbridge Residents' Association objecting to the application.

## 2.0 RECOMMENDATION

That the Licensing Sub-Committee consider this application for the grant of a new Premises Licence in respect of Home Bargains, Unit 2, Harefield Road, Uxbridge UB8 1ZZ.

## 3.0 APPLICATION

### 3.1 Type of Application

New Premises Licence application pursuant to s.17 of the Licensing Act 2003 submitted by T.J. Morris Limited.

### 3.2 Proposed Licensable Activities

The application is seeking a licence to authorise the sale of alcohol for consumption off the premises only.

### 3.3 Proposed Hours

	<b>Supply of Alcohol</b>	<b>Opening Hours</b>
<b>Monday</b>	07:00 – 23:00	07:00 – 23:00
<b>Tuesday</b>	07:00 – 23:00	07:00 – 23:00
<b>Wednesday</b>	07:00 – 23:00	07:00 – 23:00
<b>Thursday</b>	07:00 – 23:00	07:00 – 23:00
<b>Friday</b>	07:00 – 23:00	07:00 – 23:00
<b>Saturday</b>	07:00 – 23:00	07:00 – 23:00
<b>Sunday</b>	07:00 – 23:00	07:00 – 23:00

### 3.4 Description of the Premises

The premises is a commercial unit within a larger retail premises, which also houses an ALDI which holds a Premises Licence, accessible from Harefield Road. There is a car park for customers for both premises. The premises previously traded as a Halfords.

### 3.5 Operating Schedule

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

### 3.6 Other Licensed Premises Nearby

<b>Premises</b>	<b>Licensable Activities</b>	<b>Licensed Hours</b>
ALDI Harefield Road Uxbridge UB8 1JS	Sale by retail of alcohol (on-supplies only)	Sale by retail of alcohol: Monday to Sunday 06:00 hours until 00:00 hours
Bar Italia 120 High Street Uxbridge UB8 1JT	Provision of regulated entertainment: <ul style="list-style-type: none"> <li>• Live Music:</li> <li>• Recorded Music:</li> </ul> Sale by retail of alcohol (both on and off-supplies)  Provision of late-night refreshment	Live Music: From 20.00 hours until 02.30 hours the following day, everyday  Recorded Music: From 12.00 hours until 02.30 hours the following day, everyday  Sale by retail of alcohol: 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 & Saturday  Off sales from Midday until 22:00 Monday to Sunday  Late-night refreshment: 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 & Saturday  All Licensable Activities authorised to 04.00 hours on New Years Day All Licensable Activities authorised for 1 extra hour at

		the beginning of Daylight Savings Time All Licensable Activities authorised to 04.00 hours on Christmas Day
Nonna Rosa Restaurant 119 High Street Uxbridge UB8 1JT	Sale by retail of alcohol (on-supplies only)  Provision of late-night refreshment  Provision of regulated entertainment: <ul style="list-style-type: none"> <li>Recorded music</li> </ul>	Sale by retail of alcohol: On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 00.00 hours.  On Sundays, Christmas Day and on Good Friday, between 12.00 and 23.30 hours.  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.  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.  Late-night refreshment: From 23.00 until 30 minutes after the terminal time for the sale of alcohol.  Recorded music: Not time restricted
Cave Snooker Club First Floor 124 High Street Uxbridge UB8 1JT	Provision of regulated entertainment: <ul style="list-style-type: none"> <li>Recorded music</li> </ul> Sale by retail of alcohol (on-supplies only)	Recorded music: Between the hours of 23:00 – 02:00 every day  Sale by retail of alcohol: Between 10:00 hours and 02:00 hours every day
Gallery Bar 127-128 High Street Uxbridge UB8 1DJ	Sale by retail of alcohol (both on and off-supplies)  Provision of regulated entertainment: <ul style="list-style-type: none"> <li>Live music</li> <li>Recorded music</li> <li>Performances of dance</li> <li>Entertainment similar to live music, recorded music, or performances of dance</li> </ul>	Sale by retail of alcohol, performances of dance, and entertainment similar to live music, recorded music, or performances of dance: Sunday to Wednesday, from 09:00 until 00:00 Thursday, from 09:00 until 02:30 Friday and Saturday, from 09:00 until 03:00

	<p>Provision of late-night refreshment</p>	<p>Live music, recorded music and late-night refreshment:  Sunday to Wednesday, from 23:00 until 00:00  Thursday, from 23:00 until 02:30  Friday and Saturday, from 23:00 until 03:00</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities where the existing terminal hour for the activities ends after 01:00 hours.</p> <p>Licensable activities may be provided from terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
<p>Good Yarn  132 High Street  Uxbridge  UB8 1JT</p>	<p>Sale by retail of alcohol (both on and off-supplies)</p> <p>Provision of regulated entertainment:</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>Provision of late-night refreshment</p>	<p>Sale by retail of alcohol:  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:  On Christmas Eve and Boxing Day between 09:00 and 02:00 hours the following day.  On New Years Eve from 09:00 hours until 09:00 hours on New Years Day.</p> <p>Provision of late-night refreshment:  Sunday to Thursday between 23:00 and 00:30 hours.  Friday and Saturday between 23:00 and 01:00 hours.</p> <p>In addition to the hours detailed above:  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: On the days stated below, an additional hour following the times detailed above:- 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> <p>An additional hour on the morning of the day the clocks go forward (from Greenwich Meantime to British Summer Time)</p>
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#### 4.0 CONSULTATION

4.1 Closing date for representations  
16<sup>th</sup> February 2026

4.2 Public Notice published in local newspaper

## 5.0 REPRESENTATIONS

5.1 Representations have been received from a local resident acting as an interested party and from the North Uxbridge Residents' Association (NURA). The resident's representations are attached at **Appendix 2** and the representations from NURA are attached at **Appendix 3**.

5.2 No representations have been received from any responsible authority.

5.3 No Members' Enquiries have been received by the licensing service for this premises.

No complaints have been received by the licensing service regarding this premises, although it should be noted that the premises is not currently licensed.

## 6.0 BACKGROUND INFORMATION

### 6.1 Designated Premises Supervisor

The proposed Designated Premises Supervisor is Gary Egerton, who holds a Personal Licence issued by Halton Borough Council.

6.2 A map of the area is attached at **Appendix 3**.

## 7.0 OFFICER'S OBSERVATIONS

7.1 The representations both raise similar concerns over disturbances due to the proposed licensing hours, particularly on Sundays. Members should be aware that this premises would be classed as a 'large shop' under the Sunday Trading Act 1994, which restricts the ability of shops to physically open to the public on Sundays. These restrictions are summarised as followed on [www.gov.uk](http://www.gov.uk):

### Rules for large shops in England and Wales

Shops over 280 square metres:

- can open on Sundays but only for 6 consecutive hours between 10am and 6pm
- must close on Easter Sunday
- must close on Christmas Day

Shops exempt from the Sunday trading restrictions for large shops include:

- airport and railway station outlets
- service station outlets
- registered pharmacies selling only medicinal products and medical and surgical appliances
- farms selling mainly their own produce
- outlets wholly or mainly selling motor or bicycle supplies and accessories
- suppliers of goods to aircraft or sea-going vessels on arrival at, or departure from, a port, harbour or airport
- exhibition stands selling goods

The grant of a Premises Licence would not exempt the premises from the requirement to trade within the Sunday trading hours restrictions. Based upon the list of exempt premises, it would not appear that this premises would be exempt from these restrictions. Sunday trading hours do not form part of the licensing regime and are not controlled by the Licensing Act 2003, but this is a relevant fact which will impact the ability of the premises to trade. The objectors have been made aware of the Sunday trading hours restrictions and that they would apply to this premises.

- 7.2 The Secretary of State's Guidance to Licensing Authorities does state that where permitted terminal hours differ between a Premises Licence and planning permission, the earlier closing time must be observed or the premises would risk breaching either the licence or the planning permission, or in this case would risk breaching the Sunday Trading Act. Officers can confirm that no representations have been received from the Planning Authority.
- 7.3 The representations raise concerns over extended trading hours when compared to nearby premises and the potential for nuisance. It is stated in the representations that the neighbouring ALDI trades between the hours of 8am and 10pm Monday to Saturday, and between the hours of 10am and 4pm on Sunday. Officers can confirm that these hours are correct according to ALDI's website. However, as stated in section 3.6, this store is licensed to sell alcohol between the hours of 6am and midnight Monday to Sunday. It is for individual premises to set their own opening hours, and they are not required to trade their maximum licensed hours at all times. This may be because they have considered the commercial demand for their goods and trading patterns, or because there are other legislative requirements such as restricted hours through the planning permission for the premises or Sunday trading hours.
- 7.4 Mediation has been attempted in this case. The agents for the applicant have proposed to amend the application to seek permission to sell alcohol between the hours of 8am to 10pm every day, including Sundays, to match the current trading hours of nearby premises and address the concerns raised in the representations. At the time of writing this report, no responses have been received to this proposal. Members may wish to enquire if there has been any development in mediation and whether any further discussions have taken place.

## **8.0 RELEVANT SECTIONS OF THE S182 GUIDANCE**

### **8.1 Each application on its own merits**

At **paragraph 1.17** it states that "Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case".

At **paragraph 1.18** it states that "When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits".

At **paragraph 1.19** it states that “In coming to a decision on individual licensing applications, licensing committees should have regard to relevant local plans and strategies – such as those relating to town planning, the night-time economy, or business support – provided these considerations are consistent with the licensing objectives and the authority’s published licensing policy. For example, licensing authorities in the area covered by the London Mayor should consider the London Plan 2021 which sets out a clear framework for the development of London over the next 20-25 years and the Mayor’s vision for Good Growth”.

## **8.2 Public nuisance**

At **paragraph 2.26** it states that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night”.

## **8.3 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 below), the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.”

## **8.4 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 that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it”.

## **8.5 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 any 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".

## **8.6 Proportionality**

At **paragraph 10.2** it states that "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 that "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 states that "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 evidence 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 may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). 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".

## **8.7 Hours of Trading**

At **paragraph 10.13** it states that "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 10.15** it states that "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".

## **8.8 Licensing Hours**

At **paragraph 14.51** it states that "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** it states that "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”.

## **8.9 Planning and Building Control**

At **paragraph 14.66** it states that “There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee”.

## **9.0 RELEVANT SECTIONS OF HILLINGDON’S LICENSING POLICY**

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

At **paragraph 14.1** it states that “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 14.2** it states that “Appendix D provides a list of examples of relevant issues relating to public nuisance and considerations to be made to prevent such nuisance occurring”.

At **paragraph 14.7** it states that “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”.

### **9.2 Representations**

At **paragraph 19.2** it states that “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)”.

At **paragraph 19.9** it states that “The 2003 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 19.11** it states that “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 19.15** it states that “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”.

### **9.3 Licence Conditions**

At **paragraph 22.1** it states that “Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the 2003 Act (current list included at Appendix G)
- Measures decided at a hearing by the Licensing Sub-Committee”.

At **paragraph 22.2** 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”.

At **paragraph 22.3** 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. Conditions imposed by the Licensing Authority shall be appropriate, reasonable, and proportionate and should be determined on a case-by-case basis”.

At **paragraph 22.4** 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”.

## 9.4 Licensing Hours

At **paragraph 27.1** it states that “Prior to the introduction of the 2003 Act, 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 27.2** 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”.

At **paragraph 27.3** 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”.

At **paragraph 27.4** 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”.

At **paragraph 27.5** it states that “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”.

## 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 licensing 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 licensing 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: -
- 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.
- 10.9 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.
- 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.