

Licensing Sub-Committee A	Date & Time: 3rd October 2024 at 18:30 hours.
Hearing under Provision: Section 18(3) Licensing Act 2003	Agenda Item Number: 5
Application: Grant of a Premises Licence for Asda Express, 15-17 Blackheath Village, London, SE3 9LH	
Lead Officer: Director of Housing and Safer Communities.	Ward: Blackheath Westcombe

I. Decision Required

I.1. The Sub-Committee is requested to consider the application for the grant of a new premises licence made by Asda Stores Limited in respect of Asda Express, 15-17 Blackheath Village, Blackheath, London, SE3 9LH, as set out in the application at **Appendix A**, and the premise plans set out at **Appendix B**.

I.2. Regulations made pursuant to the Licensing Act 2003, require the Council to provide its decision together with reasons, within five working days from the date of the hearing.

When considering the application to grant the premises licence, Members must have due regard to the representation(s) made and take such of the steps as it considers proportionate and reasonable for the promotion of the licensing objectives. It is open to the licensing authority to:

- Grant the application, together with such conditions as are consistent with the operating schedule, which can be modified to such an extent that the licensing authority considers appropriate for the promotion of the licensing objectives.
- Impose additional conditions on the licence. Any conditions must be appropriate for the promotion of the licensing objectives. There is no power for the licensing authority to attach a condition that is merely aspirational, it must be appropriate. For example, conditions may not be attached that relate to the health of customers rather than direct physical safety
- Refuse to specify a person in the licence as Designated Premises Supervisor

- Refuse the application on the grounds that refusal is appropriate for the promotion of the licensing objectives; or it may only grant a licence for specific licensable activities within the licence application.
- 1.3. The Licensing Act 2003 states that the licensing authority can only consider representations if they are relevant to one of the four licensing objectives:
- Prevention of Crime & Disorder
 - Prevention of Public Nuisance
 - Public Safety
 - Protection of Children from Harm.
- 1.4. The Sub-Committee may only consider matters that have been raised by way of written representations. Licensing conditions may only be imposed to promote the licensing objectives and must relate to the representations from Responsible Authorities and ‘Other Persons’, being those who live, or are involved in a business, in the relevant licensing authority’s area and who are likely to be affected by the licensing application.
- 1.5. The written representations against this application relate to all four Licensing objectives; namely the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

Summary of Application

- 1.6. The application as *originally* made sought:
- **Supply of Alcohol (for consumption off the premises only); and Opening Hours**
Monday to Sunday from 06:00 hours until 24:00 hours
 - **Late Night Refreshment (indoors and outdoors):**
Monday to Sunday from 23:00 hours until 24:00 hours.
- 1.7. However following discussion with the Metropolitan Police, the applicant has revised their application and now seeks:
- **Supply of Alcohol (for consumption off the premises); and Opening Hours:**

Monday to Sunday from 07:00 hours until 23:00 hours.

- **Late Night Refreshment – none.**

A copy of the written agreement between the Police and the applicant, is attached at **Appendix C**. This agreement also incorporates the addition of an additional condition relating to staffing and security.

1.8. The Council may impose conditions on the licence that are consistent with those offered in the applicant's operating schedule. The following were offered by the applicant as part of their initial operating schedule in **Appendix A**, and also incorporates the additional condition contained within the agreement at **Appendix C**. Conditions may have been reworded for clarity, or to make them meaningful and enforceable. Others may have been omitted as they are already covered by primary legislation, are meaningless, or are unenforceable. The conditions are:

1.8.1. A CCTV system shall be installed and maintained on the premises. Cameras shall cover the full internal areas accessible to the public and the external areas immediately in front of the store. The system shall be capable of continuously recording and copies of such recordings shall be kept for a period of no less than 31 days and handed to Police or authorised persons upon request. At least one camera shall show a close-up view of the entrance to the premises and capture a clear, full length view of any person entering the premises. The system shall record in real time, and recording shall contain an accurate date and time stamp.

1.8.2. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer. The log shall record the following:

- (a) All crimes occurring / reported at the venue;
- (b) Any complaints received;
- (c) Any incidents of disorder;
- (d) Any faults with the CCTV system;
- (e) Any visit by a relevant authority or emergency service;
- (f) Any refusal for the sale of alcohol;

1.8.3. All spirits shall be displayed behind the counter.

- 1.8.4. No miniature bottles of spirits of 20cl or below shall be sold from the premises; with the exception of any pre-packaged gift packs that may contain a spirit miniature.
- 1.8.5. There shall be no sale of beer, lager, or cider with an ABV above 6.5% sold at the premises; with the exception of artisan or craft beers, lagers, and ciders.
- 1.8.6. The premises shall have a till prompt system for alcoholic products.
- 1.8.7. The Challenge 25/Think 25 or contemporary equivalent proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, home office approved identity card or other forms of “proof of age” cards bearing the holographic ‘PASS’ mark, military ID or any other form of ID agreed with the Police. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person. Notices shall be prominently displayed advising customers that this policy is in force.
- 1.8.8. All staff shall be trained in the law about the sale of alcohol. Such training will include in particular, refusing the sale of alcohol to persons who are already intoxicated, to those that are underage, and proxy sales. Training shall also include the requirement to challenge every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every twelve months. The training log shall be made available for inspection by Police and “authorised persons” (within the meaning of the Licensing Act 2003) upon request.
- 1.8.9. The licence holder shall at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the Licensing Authority and the Police. The need for door supervisors / security staff will be assessed by way of internal risk assessments and cognisance will be taken of any police advice.

Date of Application

- 1.9. The Council received the Application on 13th August 2024. The last date for representations was 10th September 2024.

Notice/Advertising Requirements

- 1.10. The application has been correctly advertised as required by Regulations by displaying a notice of application in a public facing location at the site of the premises and advertising it in the local press. In line with RBG practice, an Officer from the Royal Borough of Greenwich Licensing Team verified both the placing of the blue notice, and publication of the newspaper advertisement.

2. Current Licence

- 2.1. There is currently no Premises Licence currently in force at this location, and the site has not previously been licensed under the Licensing Act 2003.

3. The Premises

Location and Nature

- 3.1. The building in which the premises is to be situated, was formerly known as the Alexandra Hall, built in 1863. The building passed to Lloyd's Bank in the 1920s and the present appearance of the banking hall dates from alteration and restoration work that took place in January 1970. Lloyds Bank ceased operating out of the site in 2020, and it has been disused since.
- 3.2. The premises is situated on the main road of Blackheath Village, just south of the Blackheath National Railway station at the junction of Blackheath Village road, Bennett Park, and Cresswell Park, amongst a parade of other shops, cafes, restaurants, and other commercial premises. The wider area along the main road and towards the heath is predominantly commercial, though residential roads do run adjacent.
- 3.3. The premises does not fall within a recognised cumulative impact zone, however due to the proximity of the borough boundary between

Greenwich and Lewisham that runs along the main road, and the commercial nature of the main road, there is a relatively high density of other licensed premises within the immediate area on both sides of the border, including pubs, bars, restaurants and off licences. (see section 4).

3.4. A map of the local area is attached at **Appendix D**.

4. **Other licensed premises in the immediate vicinity:**

4.1. Other comparable licensed premises within the immediate vicinity (approximately 100 meters) include the following.

- **Shepherd Foods, 7 – 9 Blackheath Village, London, SE3 9LA.**

Supply of Alcohol (Off sales)

Monday to Saturday from 08:00 hours until 23:00 hours;

Sunday from 10:00 hours until 22:30 hours.

- **Oddbins, 13 Tranquil Vale, London, SE3 0BU**

Supply of Alcohol (Off Sales)

Monday to Saturday from 08:00 hours until 23:00 hours;

Sunday from 10:00 hours until 22:30 hours.

- **Martins / McColl's, 20 Tranquil Vale,**

Supply of Alcohol (Off Sales)

Monday to Saturday from 08:00 hours until 23:00 hours.

4.2. Other licensed premises in the immediate vicinity (approximately 100 meters) include:

- **Age Exchange, 11 Blackheath Village, London, SE3 9LA**

Regulated Entertainment only.

Monday to Sunday from 10:00 hours until 22:00 hours.

- **Blackheath Fish & Chips, 1 Blackheath Village, London, SE3 9LA.**

Late Night Refreshment only.

Monday to Thursday from 23:00 hours until 24:00 hours;

Friday and Saturday from 23:00 hours until 00:30 hours;

Sunday from 23:00 hours until 23:30 hours.

- **Crust & Wine, 1-3 Lee Road, London, SE3 9RQ.**

Supply of Alcohol (On & Off Sales), Regulated Entertainment, and Late Night Refreshment.

Monday to Wednesday from 11:00 hours to 00:00 hours;

Thursday to Saturday from 11:00 hours to 01:00 hours the following day;

Sunday from 12:00 hours to 23:00 hours.

- **Blackheath Conservatoire, 19-21 Lee Road, London, SE3 9RQ.**

Supply of Alcohol (On Sales); Regulated Entertainment.

Monday to Saturday from 12:00 hours until 23:00 hours;

Sunday from 12:00 hours until 22:30 hours.

- **The Railway Public House, 16 Blackheath Village, London, SE3 9LE.**

Supply of Alcohol (On & Off), Regulated Entertainment, and Late Night Refreshment.

Sunday to Wednesday from 10:00 hours until 24:00 hours;

Thursday to Saturday from 10:00 hours until 01:00 hours.

- **Laicram Thai Restaurant, 1 Blackheath Grove, London, SE3 0DD**

Supply of Alcohol (On Sales).

Monday to Saturday from 10:00 hours until 24:00 hours;

Sunday from 12:00 hours until 23:30 hours.

- 4.3. In the lists above, where a premises licence authorises more than one licensable activity, the hours provided are for the sale of alcohol. Some activities may be permitted later.
- 4.4. Premises shaded in grey are within the London Borough of Lewisham and their times are taken from Lewisham Council's public licensing register. As the author of this report, I do not have an in depth knowledge of premises on the Lewisham side of the border, and though I have made every attempt to accurately establish licensed premises within the immediate vicinity that fall on the Lewisham side of the border, some unintentional omissions may occur. Lewisham's Licensing Register can be viewed here: <https://lewisham.gov.uk/-/media/files/imported/licensingregister-website.ashx>.
- 4.5. Beyond the immediate vicinity of the premises, towards the north of the Village there are a multitude of other licensed premises, including pubs,

restaurants, off licences and takeaways that fall within the remit of Lewisham Council. Further details on their authorised licensable activities and times can be found on their public licensing register, per the link above.

5. Summary of Representations

Name	Stance	Appendix	
Metropolitan Police	Agreed	Appendix C	
Ms Helen Kennedy-Shamir	Object	Appendix E	
Ms Angela Everson	Object		
Ms Joan Sakkas	Object		
Mr Joel Kennedy Shamir	Object		
Ms Ana Sutherland	Object		
Ms Nicky Collins	Object		
Ms Francesca Thomas	Object		
Mr John Barron	Object		
Ms Helen Boast	Object		
Mr Daniel Courtneidge	Object		
Mr Richard Senior	Object		
Mr Richard Kiveal	Object		
Mr Eugene Philalithis	Object		
Ms Parker Muir	Object		
Mr Jonathan Wheelock-Lines	Object		
Ms Hannah Parkinson	Object		
Mr Neil Parkinson	Object		
Mr Richard Bourne	Object		
Prof Michael Maisey	Object		
Mr Peter Miller	Object		
Ms Julia Harrington	Object		
Mr Mike Newman	Object		
Ms Fiona Hamilton	Object		
Mr Jon Buckley	Object		
Ms Hayley Conick	Object		
Ms Joni-Ann Falconer	Object		
Mr Richard Fullarton	Object		
Ms Judith Pemberton	Object		
Mr Killian Reimers	Object		
Ms Ruth Steven	Object		
Mr John Munch	Object		Appendix E (continued)
Mr James Butler	Object		
Miss Laura Lai	Object		
Mr Ed Wiseman	Object		
Mr Oliver Start	Object		

Name	Stance	Appendix
Mr Andrew Johnson	Object	
Mr Will Downey	Object	
Mr Robert Macdonald	Object	
Ms Marion Gillibrand	Object	
Mr Peter Knight	Object	
Mr Andrew Salt	Object	
Ms Dana Kupova	Object	
Ms Victoria Roffey	Object	
Ms Susan Blackburn	Object	
Ms Janet Willis	Object	
Ms Louise Farrow	Object	
Ms Natalie Renaud	Object	
Mr Edmund Hall	Object	
Mr Matthew Grange	Object	
Mr Philippe Parfait	Object	
Mrs Sara Collard	Object	
Dr Sean Fang	Object	
Mr Ben Pratt	Object	
Mr Will Downey	Object	
Ms Alexandra Shepherd	Object	
Ms Samantha White	Object	
Ms Sylvia John	Object	
Ms Eve Noiret-Ryan	Object	
The Blackheath Society	Object	
Mr Ian Lynam	Object	
Ms Sheila Connell	Object	
Ms Lana Shesh	Object	
Ms Anne-Marie Berni	Object	
Mx Alex Beverly	Object	
Ms Carmel Kelly	Object	
Ms Melissa Roskell	Object	
Mr Simon Pereira	Object	
Mr Mateusz Kubacki	Object	
Ms Angie Elder	Object	
Ms Madhumita Abram	Object	
Ms Margaret Drummond	Object	
Ms Victoria Annand	Object	
Mr Stephen Hurley	Object	

Mr Kieran Brown	Support	Appendix F
Mr Simon Hall	Support	
Mr Ryder Ascott	Support	
Ms Rosamund Cox	Support	
Ms Bridget Rogers	Support	

- 5.1. The Metropolitan Police made representation confirming the agreed conditions laid out in Appendix C, and replicated (slightly modified) in paragraph 1.8 of this report.
- 5.2. 73 representations were received opposed to the application. 72 by local residents, and 1 by the Blackheath Society residents' association. The relevant parts of representations principally revolve around concerns related to issues of public nuisance and crime and disorder; both existing and those that may occur or be exacerbated if the licence is granted. Examples include issues of noise from patrons leaving other venues, such as The Railway public house opposite, who may use the premises late at night and cause noise disturbance, or from delivery vehicles (uber eats, Deliveroo, etc) operating late at night, which may impact on the sleep of local residents, and of young children in particular, who live close to the premises. Concerns have been raised as to increased litter and increased nuisance parking associated with the premises. Existing issues of crime and anti-social behaviour are noted, with concerns that an additional licensed premises will exacerbate these. Issues of public safety have been raised, with regards to increased foot traffic competing with increased road traffic and poor parking practices anticipated by delivery vehicles requiring pedestrians to walk in the road. There is strong objection to a midnight close and to late night refreshment. For residents who were aware of the reduced hours until 11pm, strong objection remains, though some cite 11pm as a more suitable terminal time. This summary is not exhaustive of the issues raised, and the full representations opposed to the application are attached at **Appendix E**.
- 5.3. Five residents have written in support of the application. They each express awareness of objections and that they believe the concerns raised therein to be without merit and that Asda, as a reputable operator, will promote the licensing objectives. Representations in support of the application are attached at **Appendix F**.

5.4. **Appendices E and F** are exempt information pursuant to Part II Section 40 of the Freedom of Information Act 2000.

6. Relevant Provisions of Royal Borough of Greenwich Licensing Policy

Section	Provision
1.4	“The Royal Borough’s intention is that local people, their families and visitors are provided with opportunities for enjoyable, pleasurable and safe experiences. It is paramount that these experiences are safe, without fear of violence, intimidation or disorder whilst on, arriving at or leaving licensed premises. The Policy highlights that local residents should not be unreasonably disturbed, whether in the street or at home, by activities or customers within, or linked to, licensed premises”
1.5	“The Policy aims to provide a necessary balance between providing a platform upon which responsible business operators may contribute towards a thriving business and late-night economy, especially in those areas undergoing substantial regeneration, whilst at the same time ensuring that the quality of life of those who live and work in Royal Greenwich is protected and enhanced through the licensing system. These objectives are achievable if all parties concerned work together.”
2.2	“It is recognised that the licensing function is only one means of securing delivery of the Licensing Objectives and should not be seen as a means for solving all problems within the community. The Royal Borough will, therefore, continue to work in partnership with its neighbouring authorities, the Police, local businesses and local people towards the promotion of the Objectives”
2.3	“Applicants are required by the Act to submit an operating schedule as part of the application process. The Royal Borough will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities proposed, the location of the premises, and the potential impact of the premises operation on the local community.”
4.1	“The Royal Borough of Greenwich maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Any conditions attached to licences will be focused on matters that are within the control of individual licensees and must be appropriate for the promotion of the licensing objectives.”

4.2	“These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the near vicinity of the premises. In this regard, the Royal Borough of Greenwich will primarily focus on the impact, or reasonably anticipated impact, of any activities taking place at the licensed premises on those living, working or engaged in normal activity in the area concerned.”
4.3	“Where the Royal Borough of Greenwich’s discretion is engaged as a result of relevant representations, tailored and proportionate conditions may be imposed on a licence to address the individual licensing objectives.”
4.5	“In order to avoid duplication with other statutory regimes as far as possible, the Royal Borough will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. A list of non-exhaustive conditions for consideration appear in Appendices A to F (of the licensing policy). Whilst these are not standard conditions, they demonstrate good practice and may be used in preference to poorly worded conditions offered in the operating schedules of submitted applications.”
4.6	“The Royal Borough recognises that well-run premises can make a valuable, positive contribution to the local community though the local economy, tourism and cultural development. However, if they are not properly managed and controlled, licensed premises ... can become a serious source of crime and disorder or anti-social behaviour problems.”
4.8	“The Royal Borough will expect applicants to address in their operating schedule how the operation of the premises will satisfactorily address crime and disorder issues ranging from the design of the premises through to the daily operation of the business, whilst promoting the prevention of crime and disorder objective. For pubs, bars and premises with facilities for music and dancing (e.g., nightclubs), a specific assessment may be needed of how the risks of violence and crime in the premises and the vicinity will be managed.”
4.11	“The Police and the Royal Borough’s Safer Spaces Service are the main source of advice on crime and disorder. Applicants are recommended to seek advice on crime prevention from Greenwich Police before making a formal application.”
4.12	“Conditions may, for example, include items relating to management systems, training, drugs policies, search procedures, entry policies, physical security, door supervisors, bottle bans, drinks containers, smoking area capacity limits, CCTV, restricting drinking areas, premises

	capacity limits, age verification systems such as ‘Challenge 25’, crime prevention notices, and signage.”
4.21	“The Royal Borough expects premises licence holders to implement measures which ensure the safety of all those using their premises.”
4.24	“The Royal Borough expects applicants in their operating schedules for premises licences to consider measures ensuring the safety of the public, not only when they are present within the premises, but also their safety within the environs of the premises on arrival and departure. To promote the public safety licensing objective, these measures will be converted into enforceable conditions.”
4.26	“The Royal Borough recognises that conditions relating to public safety need to be relevant and proportionate to the circumstances of any individual premises or club premises.”
4.29	“The Royal Borough will require any applicant to demonstrate within their operating schedule how they intend to prevent public nuisance arising and, equally, to prevent nuisance to ensure that the prevention of public nuisance licensing objective in particular, and the licensing objectives in general, are met. Public nuisance includes noise caused by customers arriving at and/or leaving a premises, noise created whilst they are within a premises, general anti-social behaviour, and issues such as smoke, odour, litter, light, flyposting, and obstruction of the highway. These examples are not exhaustive and applicants should demonstrate within their application how all potential public nuisance issues relevant to their premises will be mitigated. Conditions which should be considered, to ensure the prevention of public nuisance, are listed in Appendix C of the Policy.”
4.30	<p>“Noise nuisance can arise from a range of sources such as entertainment noise escaping from premises, loud voices from customers standing outside, the disposal of waste in refuse or recycling bins, car doors slamming, taxi horns sounding as patrons are picked up, and the general noise of people arriving and leaving. This is particularly intrusive at night when background noise levels are lower and residents are trying to sleep, and so it is important that applicants can demonstrate how they will effectively manage the exit and dispersal of their customers. Consideration should be given to the following: []</p> <ul style="list-style-type: none"> • Prominently displaying clear and legible notices at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly

	<ul style="list-style-type: none"> • That the placing of refuse and recycling into receptacles outside the premises should only take place between 08:00 hours and 23:00 hours to minimise the disturbance to nearby residential properties • Limiting the number of customers smoking outside the premises at any one time.”
4.33	<p>“Premises that provide food and/or drink for consumption off the premises could create public nuisance in the form of customers causing litter (i.e. food wrappings and drink containers) in the vicinity of the premises and the wider area. Applicants for licences allowing the provision of late-night refreshment, together with the sale of alcohol for consumption off the premises, are recommended to consider the problems that litter causes through their operation and what steps they will take to prevent such nuisance. The steps they could take (and include in the operating schedule section of their application form) include, but are not limited to:</p> <ul style="list-style-type: none"> • The provision of waste receptacles directly outside the premises • Notices on display asking customers to dispose of their litter and refuse responsibly and • The licence holder arranging for the clearing of litter in the immediate vicinity of their premises at regular intervals during licenced hours or, at a minimum, at the close of business each day.”
4.34	<p>“The trading hours during which licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate, are set for the prevention of public nuisance. Where premises are in a predominately residential area, the potential for public nuisance is greater. Restrictions may be necessary on the times when certain licensable activities take place, even though the premises may be open to the public at such times.”</p>
4.37	<p>“Licence holders are expected to adhere to the prevention of public nuisance through their licensable activities and demonstrate ways in which public nuisances, which result from the premises or its users, will be mitigated against. Conditions which should be considered, to ensure the prevention of public nuisance, have been listed in Appendix C of the Policy”</p>
9.1	<p>“Applications that do not receive representations shall be granted automatically. Applications that do receive representations shall be considered by the Royal Borough under the terms of this policy on their own merits and with due regard to the Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act 2003 itself, and any supporting regulations.”</p>

12.3	“The Royal Borough will deal with the issue of licensing hours on the individual merits of each application.”
14.1	“A Premises Licence, once granted, lasts for the lifetime of the business and is not subject to annual or automatic renewal. The provisions set out in the 2003 Act for reviewing Premises Licences and Club Premises Certificates represent a key protection for the community where problems associated with the Licensing Objectives occur after the grant or variation of a Premises Licence or Club Premises Certificate”
19.3	“An ongoing risk-based enforcement programme is in place to ensure we respond to complaints of non-compliance with Licence conditions and we concentrate on areas where licensed premises are perceived to be contributing to anti-social behaviour. A sample of premises may also be inspected from time to time to ensure that the premises are operating in accordance with relevant licensing requirements.”
19.5	“In general, action will only be taken in accordance with agreed enforcement principles outlined in the Regulators’ Compliance Code and in line with the Royal Borough’s Enforcement Policy. To this end, the key principles of consistency, transparency, accountability, proportionality and targeted action will be maintained.”

7. Relevant Provisions of Government Guidance under Section 182 of the Licensing Act 2003 (as amended 18th December 2023)

Section	Provision
1.17	“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.”
1.19	“While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes: <ul style="list-style-type: none"> • The Health & Safety at Work Act 1974.

	<ul style="list-style-type: none"> • The Gambling Act 2005 • The Environmental Protection Act 1990 • The Noise Act 1996 • The Clean Neighbourhoods and Environmental Act 2005 • The Regulatory Reform (Fire Safety) Order 2005 • The Equality Act 2010 • The Immigration Act 2016 • Regulators' Code under the Legislative and Regulatory Reform Act 2006"
2.1	“Licensing authorities should look to the Police as the main source of advice on crime and disorder. They should also seek to involve the Community Safety Partnership (CSP).”
2.3	“Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.”
2.9	<p>“A number of matters should be considered in relation to public safety. These may include:</p> <ul style="list-style-type: none"> • Fire safety; • Ensuring appropriate access for emergency services such as ambulances; • Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts; • Ensuring the presence of trained first aiders on the premises and appropriate first aid kits; • Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation); • Ensuring appropriate and frequent waste disposal, particularly of glass bottles;

	<ul style="list-style-type: none"> • Ensuring appropriate limits on the maximum capacity of the premises; and • Considering the use of CCTV in and around the premises (which may also assist with promoting the crime and disorder objective).”
2.21	<p>“The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises, which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”</p>
2.22	<p>“Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.”</p>
2.28	<p>“The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.”</p>
2.35	<p>“Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to</p>

	<p>the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.”</p>
8.41	<p>“In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.”</p>
8.42	<p>“Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:</p> <ul style="list-style-type: none"> • the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; • any risk posed to the local area by the applicants’ proposed licensable activities; and • any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.”
8.43	<p>“Applicants are expected to include positive proposals in their application on how they will manage any potential risks.”</p>
8.44	<p>“It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of</p>

	<p>the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.”</p>
8.46	<p>“While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.”</p>
8.47	<p>“Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.”</p>
9.3	<p>“Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, 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. 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.”</p>
9.4	<p>“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.”</p>
9.15	<p>“It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising Environmental Health functions to make representations where there</p>

	are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.”
9.37	“As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or ‘other person’ may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed to do so, within reasonable and practicable limits.”
9.38	<p>“In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:</p> <ul style="list-style-type: none"> • The steps that are necessary to promote the licensing objectives • The representations (including supporting information) presented by all the parties • This Guidance • Its own statement of licensing policy.”
9.39	“The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. [...] Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.”
9.40	“Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also [...] only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.”

9.42	“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.”
9.43	“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.”
10.2	“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 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 it clear that it is particularly important that conditions which are imprecise or difficult for a Licence holder to observe should be avoided”
10.4	“The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence holder, which they should carry out before making their application for a premises licence. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.”
10.5	“It is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention and be appropriate and proportionate for the promotion of the licensing objectives.”
10.8	“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.”
10.10	“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.”
13.10	“It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority’s statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.”

8. Further Considerations

8.1. Duration of the Licence

A premises licence lasts for the lifetime of the business unless it lapses due to the death or insolvency of the licence holder, is surrendered by the Applicant, or suspended or revoked by the Licensing Authority.

8.2. Review

The Review mechanism may be implemented by a relevant authority or any other person where a matter arises at the licensed premises which they consider to be contravening the licensing objectives.

8.3. Human Rights Act

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

The Human Rights Act provides that: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, or to secure the payment of taxes or other contributions or penalties.” The term “possession” includes a Licence as well as a home and the things it contains.

The Act further provides:

- “1. It is unlawful for a public authority to act in a way which is incompatible with a Convention right.
2. Subsection (1) does not apply to an act if:
 - 2.1 As the result of one or more provisions of primary legislation, the authority could not have acted differently; or,
 - 2.2 In the case of one or more provisions of, or made under, primary legislation, which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.”

However, it is recognised that the Council’s Statement of Licensing Policy and Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Therefore, subject to both the Statement of Licensing Policy and Statutory Guidance having been properly and carefully considered, licensing authorities may depart from them if they have a justifiable reason to do so. If doing so, licensing authorities will need to give full reasons for their actions.

9. Written Decision & Reasons

- 9.1. A written decision notice with reasons will be provided within five working days of the date of the hearing.
- 9.2. Para 13.10 of the Guidance states: “It is important that a licensing authority should give comprehensive reasons for its decision in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that the reasons should also address the extent to which the decision has been made with regard to the Licensing Authority’s Statement of Policy and this Guidance. Reasons should be promulgated to all parties of any process which might give rise to an appeal under the terms of the 2003 Act.”

10. Appeal Rights

- 10.1. The Applicant and any person who has made a relevant representation may appeal the decision of the Licensing Sub-Committee by written notification to the Magistrates' Court within 21 days of receipt of the decision notice and reasons.

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