

BOROUGH OF BARROW-IN-FURNESS

LICENSING SUB-COMMITTEE

Meeting, Thursday, 21st July, 2016
at 11.00 a.m. (Committee Room No. 4)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the Agenda.

4. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. To confirm the Minutes of the meeting held on 16th May, 2016 (copy attached).
6. Apologies for Absence/Attendance of Substitute Members.
- (D) 7. Application for a Premises Licence.

MEMBERS OF SUB-COMMITTEE

Councillors: Callister
Seward
McClure

For queries regarding this agenda, please contact:

Keely Fisher
Democratic Services Officer
Tel: 01229 876313
Email: kfisher@barrowbc.gov.uk

Published: 13th July, 2016

LICENSING SUB-COMMITTEE

Meeting: Monday 16th May, 2016
at 10.00 a.m.

PRESENT:- Councillors Callister and Seward.

Officers Present:- Jane Holden, (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer).

1 – Quorum of Meeting

Councillor Gill had given notice that he was unable to attend the meeting at 10.00 a.m. due to work commitments therefore making the meeting inquorate. It was proposed and agreed that a postponement of the Sub-Committee be made until the arrival of Councillor Gill.

The meeting was postponed at 10.02 a.m.

LICENSING SUB-COMMITTEE

Meeting: Monday 16th May, 2016
at 10.53 a.m.

PRESENT:- Councillors Callister, Gill and Seward.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer).

Legal Representative – Paul O'Donnell

2 – Appointment of Chairman for 2016/17

Nominations were requested for the appointment of Chairman of the Licensing Sub-Committee for 2016/17.

Councillor Seward moved that Councillor Callister be appointed as Chairman for 2016/17. This was duly seconded and it was

RESOLVED:- That Councillor Callister be appointed Chairman of the Licensing Sub-Committee for 2016/17.

COUNCILLOR CALLISTER IN THE CHAIR

3 – Minutes

The Minutes of the Licensing Sub-Committee held on 30th April, 2015 were taken as read and confirmed.

4 – Apologies for Absence/Attendance of Substitute Members

Councillor Gill had replaced Councillor W. McClure for this meeting only.

5 – Application for a Gaming Machine Permit in Licensed Premises

The Senior Licensing Officer reported that the Licensing Authority had received an application for a Gaming Machine Permit from The Owl and the Pussycat, Hindpool Road, Barrow under Schedule 13 Gambling Act 2005 ("the Act") for 5 gaming machines within the premises.

The Owl and the Pussycat benefitted from a Premises licence issued under Section 17 Licensing Act 2003 authorising the sale of alcohol and had an automatic entitlement to make available two gaming machines (Category C or D).

Category C gaming machines allowed a maximum stake of £1 and a maximum prize of £100. Category D gaming machines allowed a maximum stake of 10p and a maximum prize of £5 cash. Category D machines also included crane grabbers and penny fall machines with the maximum stake being £1 and the prize up to £10 cash or £50 non-monetary prizes.

To take advantage of this entitlement, premises licence holders must give notice to the Licensing Authority and pay the prescribed fee (currently £50). The Licensing Authority had no discretion in this situation.

Where a premises wished to have more than 2 gaming machines, it needed to apply for a Gaming Machine Permit. The Council's Statement of Gambling Policy stated that each application would be determined on a case by case basis.

The Council's scheme of delegation did not authorise Officers to determine applications where the application was for more than 4 gaming machines.

As the application was for the siting of 5 machines, it was necessary to bring the application before the Committee for decision.

Members should be satisfied that the granting of the said permit would not undermine the licensing objectives and that the applicant was aware of the positive steps required to promote the licensing objectives.

The Act contained 3 licensing objectives which were:-

- Preventing gambling from being a source of crime and disorder being associated with crime and disorder, or being used to support crime;
- Ensuring that gambling was conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority could only have regard to these objectives when carrying out their functions under the Act.

The Gambling Commissions published code of practice provided the requirements that must be complied with by the Gambling Machine Permit Holder. A copy of the Code of Practice was attached as an appendix to the report.

The Senior Licensing Officer had visited the premises and confirmed that they were compliant with the requirements of the code of practice regarding the location and operation of gaming machines.

A representative of The Owl and the Pussycat had been invited to the Licensing Sub-Committee to discuss the application but had chosen not to do so.

The Licensing Authority had consulted with Cumbria Constabulary who had confirmed they had not objection to the application.

The Principal Environmental Protection and Licensing Officer withdrew and was re-admitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Licensed Premises Gaming Machine Permit be granted.

The meeting closed at 11.00 a.m.

LICENSING SUB-COMMITTEE	(D) Agenda Item 7
Date of Meeting: 21st July, 2016	
Reporting Officer: Senior Licensing Officer	
<p>Title: Application for a Premises Licence</p> <p>Summary: This report sets out details of an application for a premises licence from Walney Central ARLFC ("The Applicant"), Central Drive, Walney, LA14 3HY relevant objections have been received from residents living in close proximity of the premises the application therefore requires consideration and determination by the Sub-Committee in accordance with the scheme of delegation.</p>	

Report

1. Background

The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.

The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.

Under the scheme of delegation adopted by the Council, the Licensing Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

2. The Application

- 2.1 The Licensing Authority was contacted on 23rd May 2016 by The Applicant requesting information regarding an application for a premises licence for Walney Central ARLC, Central Drive, Walney. A meeting was arranged for 25th May 2016 between The Applicant, Senior Licensing Officer and Police Licensing Officer. The purpose of the meeting was to offer support and guidance in relation to the application for a premises licence and discuss the measures that would need to be implemented to meet the high standards expected from licensed premises in the Borough and satisfy the four licensing objectives:-

1. Prevention of crime and disorder;
 2. Public safety;
 3. Prevention of public nuisance; and
 4. Protection of children from harm
- 2.2 On 26th May 2016 an application was made to the Licensing Authority by Walney Central ARLFC, Central Drive, Walney for a Premises Licence to include the provision of regulated entertainment and the sale of alcohol both indoors and outdoors at the above mentioned premises.
- 2.3 The Applicant has applied to provide regulated entertainment which includes;
- plays
 - films
 - indoor sporting events
 - boxing or wrestling entertainments
 - live and recorded music
 - performances of dance
 - provision of facilities for making music
 - provision of facilities for dancing

Additionally, late night refreshment and the sale of alcohol both indoors and outdoors Monday to Sunday 10.00am - 1.00am.

- 2.4 Notice of application has been given by The Applicant through service of a copy of the application on specified 'responsible authorities (this obligation is fulfilled by officers where the application was give electronically). The Applicant was also required to give public notice of the application, by displaying a statutory notice on the premises for a 28 day period; the notice has also been published in the local newspaper. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that those requirements were satisfied.
- 2.5 A copy of the full application is attached at **Appendix A**.
- 2.6 The Applicant and person making representations have been given notice of the hearing in accordance with statutory requirements.

3. Representations

3.1 The Council has consulted with the following Responsible Authorities:-

- Licensing Authority
- The Local Planning Authority
- Environmental Protection Team
- Chief Officer of Police
- Health and Safety Officer
- Divisional Officer, Cumbria Fire and Rescue
- Trading Standards
- Public Health
- Safeguarding and Review, Child Protection

Representations – Environmental Protection Team,

3.2 The Senior Environmental Protection Officer, on behalf of the Environmental Protection Team, liaised with The Applicant and agreed that the following conditions be added to the licence to satisfy their obligation to protect public nuisance:-

1. *Regulated Entertainment #OUTDOORS# to be limited to 4 occasions per calendar year.*
2. *Noise from Regulated Entertainment #OUTDOORS# shall be inaudible at a noise sensitive location between 23:00hrs and 10:00hrs the following day.*
3. *The noise level LAeq, from Regulated Entertainment #OUTDOORS#, measured for any 10 minute period at 1m from the facade of a noise sensitive location, during the event, shall not exceed the background noise level (LA90) by more than 15dB(A). No noise sensitive premises shall be exposed to an LAeq 10 minute of more than 60dB(A).*
4. *Prior to any Regulated Entertainment #OUTDOORS# the background noise level LA90 shall be measured for any 10 minute period, when no event is going on, but under similar conditions that will prevail. (i.e. the same time and day of the week)*

Mr Dowker has been invited to attend today's meeting to explain the conditions imposed by Environmental Protection.

Representations from other Responsible Authorities

The Council did not receive representations from any other Responsible Authorities.

Representations from Residents

3.3 Relevant objections to the granting of the licence have been received from residents living in close proximity of the premises.

The objections received raise concerns over The Applicant's ability to promote the licensing objectives which are;

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

A resident of Central Drive is representing 4 other residents who have signed his letter of objection, it states;

"I wish to object to the opening of a nightclub at the premises of Walney central Rugby League Clubhouse. The requirement of a licence for the club, when you have the barrow golf club, Barrow vickerstown cricket club, the ferry, the alfred and the former institute, the nautical all within hundreds of yards of the proposed nightclub. Also the times indicated 10.00am – 01.00am is not in the interests of those who live in the vicinity of the proposed application.

I wish to oppose to this application.

(Lists objectors and addresses)

*We the above object to the opening of a nightclub when there are enough licensed premises in the near vicinity along with the particular **noise in a residential area**"*

A further resident of Central Drive has submitted a representation form which states, in relation to promotion of the licensing objectives;

*"Access lane used by children as a footpath and right of way; **potential underage drinking.***

***Noise:** music, patrons, vehicles (cars, taxis, delivery trucks, waste disposal)*

Drink and drug related crime; disorderly conduct

*Increased vehicular traffic on footpath and public right of way; **egress onto main road close to pedestrian crossing***

Late night drinking is not congruent with promoting community values and youth sports.

It attracts persons who have no vested interest in the club other than a desire to drink late and as such are unlikely to uphold the values of the club and its members and its relationship with the local community"

All relevant representations in relation to the licensing objectives are highlighted in italics and underlined.

Copies of the letter and representation form received from residents are attached to this report in **Appendix B.**

4. Mediation

4.4 The Reporting Officer has acted as the mediator between The Applicant and objectors to try and agree on terms that would satisfy all parties concerned.

A letter sent to residents from The Applicant outlining their intentions for the use of the premises is attached at **Appendix C.**

Following the representations being received The Applicant reviewed their application and reduced the hours of licensable activities from 01.00am to 11.00pm Monday – Sunday. However this amendment to the application has not resolved all residents' concerns.

An email exchange between the Reporting Officer and Applicant confirming the reduction in hours is attached at **Appendix D**.

The nearest resident to the right of way in which visitors to the premises would use has withdrawn her objection on the basis that all licensable activities will cease at 11.00pm, Monday to Sunday. The letter of initial objection and amended withdrawal is attached at **Appendix E**.

- 3.5 Residents have been invited to attend today's meeting to address the Committee to support their objections to the granting of the premises licence.

5. Borough of Barrow in Furness, Statement of Licensing Policy 2015

Applications

The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.

When considering applications, the Licensing Authority will have regard to:

- The Licensing Act and licensing objectives
- Government guidance issued under Section 182 of the Licensing Act 2003
- Any supporting regulations
- The Statement of Licensing Policy

7.4 When considering applications where representations have been made, the Licensing Authority will seek to balance those factors against its duty to promote the four licensing objectives and the rights of residents to peace and quiet.

6. The Licensing Objectives

This section sets out the controls the licensing authority and responsible authorities will expect to see where it is deemed relevant to promote the licensing objectives.

The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of

discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.

Listed at **Appendix F** are the measures suggested in relation to each licensing objective.

The Applicant's Operating Schedule & the Licensing Objectives

The Applicant has set out in the Operating Schedule of the application what measures will be put in place to promote each of the licensing objectives (Proposed Condition).

Where it is felt the measure proposed by The Applicant could be improved, the Reporting Officer has amended the condition accordingly, to ensure it can be managed by The Applicant, proportionate to the type of premises in promoting the licensing objectives and enforceable.

The table below sets out the proposed measure contained in the operating schedule along with the condition recommended by the Reporting Officer.

Prevention of crime and disorder

Operating Schedule – Proposed Measure (Condition)	Reporting Officer Proposed Amended Condition
Events will be controlled within a safe capacity limit	Remove (addressed in public safety)
Open containers are not allowed to be taken from the premises	No person in possession of an alcoholic drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery. No drink shall be removed from the premises in an unsealed container.
Nominated person to be available to contact police via phone	Remove
No irresponsible promotions that may lead to the excessive consumption of alcohol	Remove (Mandatory condition attached to all premises licences)
Door supervisors controlling entry and exit when required	The licence holder or designated premises supervisor will risk assess the need for Security Industry Authority (SIA) accredited door staff should a function necessitate their presence. i.e. 18th /21st Birthday parties. If such a decision is made then details of those individuals employed including Name, DOB, SIA number and hours of duty should be documented along with any incidents they deal with that shift.

Challenge 25 scheme in operation	Remove (Mandatory condition attached to all premises licences)
Drugs policy in operation, this policy will be enforced and developed in conjunction with the police licensing officer.	A drugs policy will be developed in conjunction with the police licensing officer and enforced throughout the premises.

Public safety

Operating Schedule – Proposed Measure (Condition)	Reporting Officer Proposed Amended Condition
Safe capacity limit	Remove (Fire regulations)
Safety checks of area carried out before admission of public	Before admission of the public is permitted, a nominated person or DPS will conduct a safety check of the licensable area and report any issues to the premises licence holder.
Record any accidents/incidents in the incident book	<p>An incident book will be maintained when a licensable activity is being conducted at the premises in which shall be recorded:</p> <ol style="list-style-type: none"> 1. All incidents of Crime and Disorder 2. Any sale refusals to suspected underage drinkers/drunken individuals 3. Any person refused admission or asked to leave the premises 4. Any occasion where police are called to the premises 5. Any incident involving the misuse or recovery of drugs <p>This book should be available for Police and the licensing authority to view to any time.</p>
All outdoor/special events will be planned in advance by the rugby club committee and the DPS	<p>All outdoor/special event days will be planned in advance by the rugby club committee and the DPS.</p> <p>An event plan will be submitted to the Licensing Authority at least 4 weeks before an event day which will outline further measures to be implemented during these events, including traffic management, admissions/capacity levels, stewarding requirements, a plan of set-up/lay out and include contingency measures.</p>

Prevention of public nuisance

Operating Schedule – Proposed Measure (Condition)	Reporting Officer Proposed Amended Condition
Bins will be provided outside	Bins will be provided in outdoor areas
Notices will be displayed requesting the public to be respectful of local residents	** add** by keeping noise levels to a minimum when leaving the premises. There shall be available on display telephone details of local taxi firms to allow quiet dispersal of guests leaving the premises.
Any amplified music is directed away from close proximity houses	Remove (covered by event plan condition)
Sales refusal policy will be in place (to monitor those who may drink to excess)	Remove (Mandatory condition attached to all premises licences)
Regular checks of noise pollution to be carried out by DPS or appointed person.	**add** These checks will be noted in the incident book.

Protection of children from harm

Operating Schedule – Proposed Measure (Condition)	Reporting Officer Proposed Amended Condition
Challenge 25 policy is enforced	Remove (Mandatory condition attached to all premises licences)
Children under the age of 16 must be accompanied by a responsible adult	**add** when licensable activities are taking place on the premises.
Ensure children do not use gaming machines	Gaming machines on the premises will be sited in line with the gambling commissions' code of conduct, ensuring vulnerable persons and children do not gain access to such machines.
Appointed child welfare protection officers trained under the RFL appointed scheme advertised and available for assistance at all times.	Remain
New Condition	All staff involved in the sale of alcohol should be trained in relation to the licensing objectives (this should include, service refusal skills, recognising drunkenness, dealing with incidents involving drugs) Training should be conducted at least every six months and records kept to provide an auditable trail. Such documents should be available for inspection to the Police and the Licensing Authority upon request.

National Guidance

Revised guidance issued under section 182 of the Licensing act 2003.

Section 2 – The Licensing Objectives is attached at **Appendix G**.

Section 9 – Determining applications is attached at **Appendix H**.

The provisions of chapter 10 of the statutory guidance highlight that only precise, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.

7. Alternative Options

When determining an application for the grant of a premises licence (under s.17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives.

The options available to members today are;

a) To grant the premises licence subject to:-

- (i) Conditions which are consistent with the Operating schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives, including the additional conditions approved between Environmental Protection and The Applicant;
- (ii) any applicable mandatory conditions

b) exclude from the scope of the licence any of the licensable activities to which the application relates;

c) To refuse the application.

8. Recommendation

I recommend that members **GRANT** the premises licence subject to:-

- (i) Conditions which are consistent with the Operating schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives, including the additional conditions

approved between Environmental Protection and The Applicant.

I set out below the modified conditions in relation to each of the licensing objectives;

Prevention of crime and disorder

1. No person in possession of an alcoholic drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
2. No drink shall be removed from the premises in an unsealed container.
3. The licence holder or designated premises supervisor will risk assess the need for Security Industry Authority (SIA) accredited door staff should a function necessitate their presence. i.e. 18th /21st Birthday parties. If such a decision is made then details of those individuals employed including Name, DOB, SIA number and hours of duty should be documented along with any incidents they deal with that shift.
4. A drugs policy will be developed in conjunction with the police licensing officer and enforced throughout the premises.

Public safety

1. Before admission of the public is permitted, a nominated person or DPS will conduct a safety check of the licensable area and report any issues to the premises licence holder.
2. An incident book will be maintained when a licensable activity is being conducted at the premises in which shall be recorded:
 - All incidents of Crime and Disorder
 - Any sale refusals to suspected underage drinkers/drunken individuals
 - Any person refused admission or asked to leave the premises
 - Any occasion where police are called to the premises
 - Any incident involving the misuse or recovery of drugs

This book should be available for Police and the licensing authority to view to any time.

3. All outdoor/special event days will be planned in advance by the rugby club committee and the DPS.
4. An event plan will be submitted to the Licensing Authority at least 4 weeks before an event day which will outline further measures to be implemented during these events, including traffic management, admissions/capacity

levels, stewarding requirements, a plan of set-up/lay out and include contingency measures.

Prevention of public nuisance

1. Bins will be provided in outdoor areas.
2. Notices will be displayed requesting the public to be respectful of local residents by keeping noise levels to a minimum when leaving the premises.
3. There shall be available on display telephone details of local taxi firms to allow quiet dispersal of guests leaving the premises.
4. Regular checks of noise pollution to be carried out by DPS or appointed person, these checks will be noted in the incident book.
5. Regulated Entertainment #OUTDOORS# to be limited to 4 occasions per calendar year.
6. Noise from Regulated Entertainment #OUTDOORS# shall be inaudible at a noise sensitive location between 23:00hrs and 10:00hrs the following day.
7. The noise level LAeq, from Regulated Entertainment #OUTDOORS#, measured for any 10 minute period at 1m from the facade of a noise sensitive location, during the event, shall not exceed the background noise level (LA90) by more than 15dB(A). No noise sensitive premises shall be exposed to an LAeq 10 minute of more than 60dB(A)
8. Prior to any Regulated Entertainment #OUTDOORS# the background noise level LA90 shall be measured for any 10 minute period, when no event is going on, but under similar conditions that will prevail. (i.e. the same time and day of the week.)

Protection of children from harm

1. Children under the age of 16 must be accompanied by a responsible adult when licensable activities are taking place on the premises.
2. Gaming machines on the premises will be sited in line with the gambling commissions' code of conduct, ensuring vulnerable persons and children do not gain access to such machines.
3. Appointed child welfare protection officers trained under the RFL appointed scheme advertised and available for assistance at all times.
4. All staff involved in the sale of alcohol should be trained in relation to the licensing objectives (this should include, service refusal skills, recognising drunkenness, dealing with incidents involving drugs) Training should be conducted at least every six months and records kept to provide an

auditable trail. Such documents should be available for inspection to the Police and the Licensing Authority upon request.

- (ii) applicable mandatory conditions attached to all premises licensed for on and off sales of alcohol. Attached at **Appendix I**.

9. Reasons for Recommendation

The reasons for the Officers recommendations are:-

- a) Details provided in the operating schedule and the modified conditions clearly outline the steps The Applicant will take in promoting the licensing objectives.

Measures to ensure the protection of children from harm include operating a Challenge 25 policy and the requirement for under 16s to be accompanied by an adult whilst on the premises.

As a junior rugby club there is an appointed child welfare protection officer who will be available for assistance should matters arise.

The conditions attached to the application from Environmental Protection and agreed by The Applicant would significantly restrict the use of the outdoor area to 4 times a year; this would limit the impact on surrounding residents. It would also place a requirement on The Applicant to monitor noise from the outdoor events.

- b) No representations were made by the Police; no concerns were raised regarding the potential for an increase in crime and disorder in or around the premises.
- c) The Licensing Authority was approached by The Applicant pre-application to discuss intended measures and for guidance on the application. It is the Reporting Officers' opinion that this displays a willingness to co-operate with responsible authorities in the promotion of the licensing objectives.
- d) To re-iterate point C, The Applicant voluntarily offered a reduction in opening hours to meet the needs of nearby residents in satisfying their concerns regarding public nuisance.
- e) It is the reporting officers' opinion that the modified conditions and those imposed by Environmental Protection provide a balance between The Applicants' duty to promote the licensing objectives and the residents' rights to peace and quiet.

10. Considerations

- (i) Legal Implications

The application met the requirements of The Licensing Act 2003.

The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are central to The Licensing Act 2003:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to national guidance and the Council's own Statement of Licensing Policy.

(ii) Risk Assessment

Not applicable

(iii) Financial Implications

Not applicable

(iv) Key Priorities or Corporate Aims

Not applicable

(v) Equality and Diversity

None identified

(vi) Other Human Rights

None identified

(vii) Health and Well-being Implications

Not applicable.

Background Papers

Nil.



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Jonathan Corkill

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Walney Central ARLFC Central Drive Walney			
Post town	Barrow-in-Furness	Post code	LA14 3HY

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£ 3400

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club X please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

2011

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Walney Central ARLFC
Address Central Drive Barrow in Furness Cumbria LA14 3HY
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Amateur Rugby Club
Telephone number (if any)
E-mail address (optional)

200800

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year
26 05 2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

All activities will take place within the Rugby Club boundaries. The only access is through a large gate controlled by an appointed person. There is a clubhouse that contains changing rooms, a small kitchen and toilets, including one with disabled access. There is also a graveled area. Other areas of the ground are grassland and are maintained

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

<u>Provision of regulated entertainment</u>	Please tick yes
a) plays (if ticking yes, fill in box A)	X
b) films (if ticking yes, fill in box B)	X
c) indoor sporting events (if ticking yes, fill in box C)	X
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	X
e) live music (if ticking yes, fill in box E)	X
f) recorded music (if ticking yes, fill in box F)	X
g) performances of dance (if ticking yes, fill in box G)	X
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	X

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I) X
- j) dancing (if ticking yes, fill in box J) X
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) X

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M) X

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 3)	Both	X
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 3)	Both	X
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	10:00	01:00	
Tue	10:00	01:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	10:00	01:00	
Thur	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	01:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 3) Music will be amplified Any outdoor live music will be stopped by 23:00.		
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	Please give further details here (please read guidance note 3). Any outdoor recorded music will be stopped by 23:00	Both	X
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 3)	Both	X
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	
Mon	10:00	01:00		Outdoors	
				Both	X
Tue	10:00	01:00	<p>Please give further details here (please read guidance note 3)</p>		
Wed	10:00	01:00			
Thur	10:00	01:00	<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri	10:00	01:00			
Sat	10:00	01:00	<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun	10:00	01:00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	X
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 3)	
Tue	10:00	01:00		
Wed	10:00	01:00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	10:00	01:00		
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	10:00	01:00		
Sun	10:00	01:00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)</u>	Indoors	
				Outdoors	
				Both	X
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon	10:00	01:00	<u>Please give further details here (please read guidance note 3)</u>		
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat	10:00	01:00			
Sun	10:00	01:00			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Mon	10:00	01:00		Outdoors	
				Both	X
Tue	10:00	01:00	Please give further details here (please read guidance note 3)		
Wed	10:00	01:00			
Thur	10:00	01:00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)		
Fri	10:00	01:00			
Sat	10:00	01:00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10:00	01:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
				Both	X	
Mon	10:00	01:00	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p> <p>Supply of alcohol will be at various times of the year to support the Rugby Club, this is usually at special events like fireworks in November and rugby festivals in the summertime.</p>			
Tue	10:00	01:00				
Wed	10:00	01:00				
Thur	10:00	01:00		<p><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Fri	10:00	01:00				
Sat	10:00	01:00				
Sun	10:00	01:00				

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Jonathan Corkill	
Address ● Central Drive Barrow in Furness Cumbria	
Postcode	LA14 3HZ
Personal Licence number (if known) 022367	

Issuing licensing authority (if known)
Barrow Borough Council

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	10:00	01:00	
Tue	10:00	01:00	
Wed	10:00	01:00	
Thur	10:00	01:00	
Fri	10:00	01:00	

Sat	10:00	01:00	
Sun	10:00	01:00	

000000

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Walney Central RLFC is a community and family friendly club, all events are carefully planned to ensure safe capacity limits and enjoyment for all. We use the challenge 25 policy for serving alcohol, under 16s are to be accompanied by an adult and u18s are not allowed on the premise after 21:00. Events will be staffed by door supervisors when required and there will be no irresponsible promotions.

b) The prevention of crime and disorder

Events will be controlled within a safe capacity limit.
Open containers are not allowed to be taken from the premises
Nominated person to be available to contact police via phone
No irresponsible promotions that may lead to the excessive consumption of alcohol
Door supervisors controlling entry and exit when required
Challenge 25 scheme in operation
Drugs Policy in operation, this policy will be enforced and developed in conjunction with the Police Licensing Officer

c) Public safety

Safe capacity limit
Safety checks of area carried out before admission of public.
Record any accidents/incidents in the incident book.
All outdoor/special events will be planned in advance by the rugby club committee and the DPS.

d) The prevention of public nuisance

Bins will be provided outside
Notices will be displayed requesting the public to be respectful of local residents
Any amplified music is directed away from close proximity houses
Sales refusal policy will be in place (to monitor those who may drink to excess)
Regular checks of noise pollution to be carried out by DPS or appointed person.

e) The protection of children from harm

Challenge 25 Policy is enforced
Children under the age of 16 must be accompanied by a responsible adult
Ensure children do not use gaming machines
Appointed child welfare protection officers trained under the RFL appointed scheme
advertised and available for assistance at all times.

Please tick yes

I have made or enclosed payment of the fee

I have enclosed the plan of the premises

I have sent copies of this application and the plan to responsible authorities and others where applicable

I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable


I understand that I must now advertise my application

I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

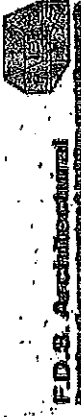
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	26 MAY 2016
Capacity	DPS

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]		AND	[REDACTED]



F.P.S. Architects, Inc.

10-Crown Copyright. All rights reserved. License no. 100019980

LOCATION: Waikanae Central ARLEFC, Central Drive, Waikanae Bluff LA14 3R2
DMS TYPE: EXISTING SITE PLAN
DESCRIPTION: New Rugby Club House

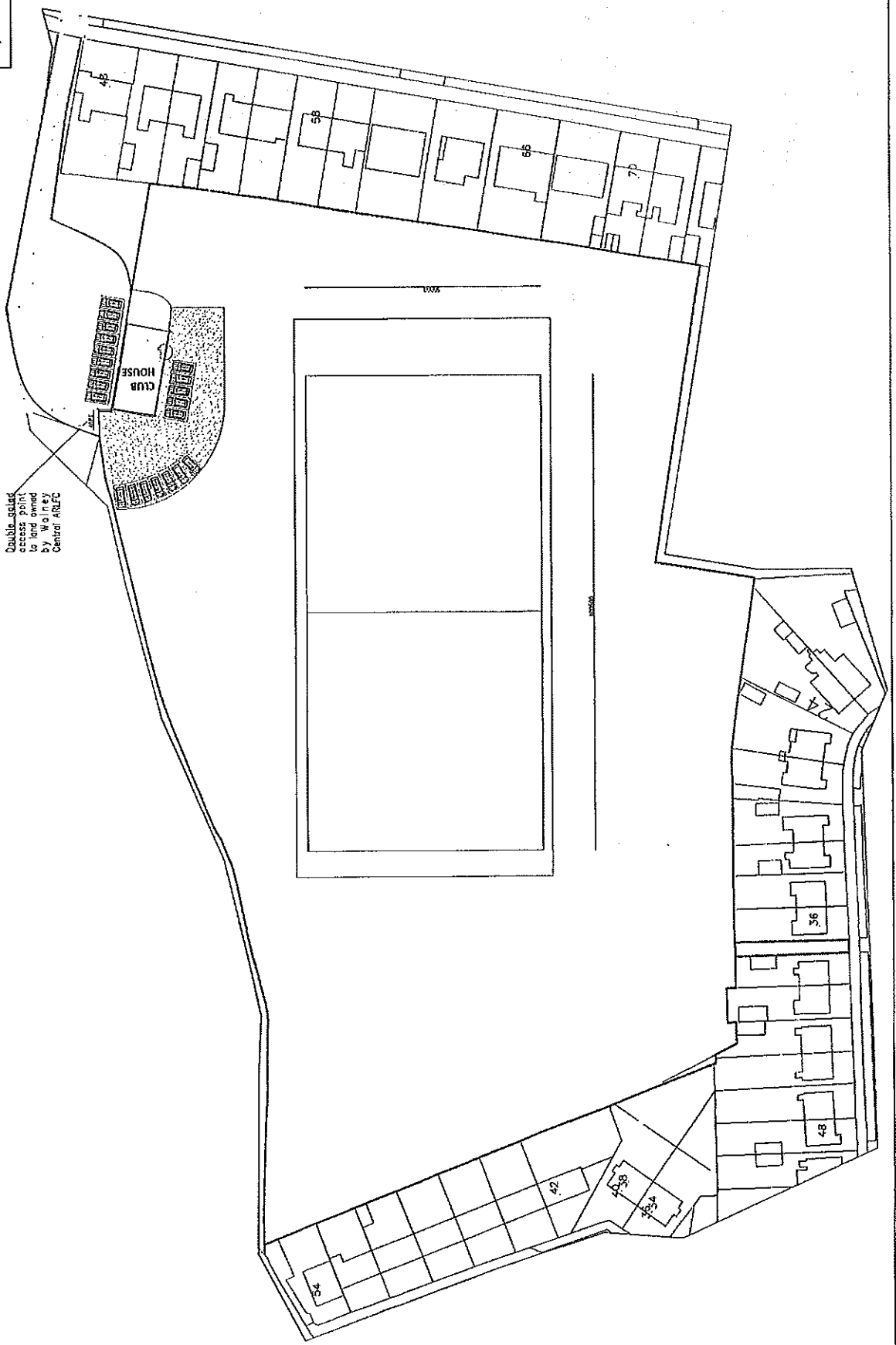
SCALE: 1:600

DWG Ref: FTS01B4, No:2, REV: C | DATE: 19/10/2015

Drawn for: Waikanae Central ARLEFC

Do not scale this drawing, all dimensions to be checked on site.

Double gated access point to and owned by Waikanae Central ARLEFC





Consent of individual to being specified as premises supervisor

I JONATHAN CORKILL
[full name of prospective premises supervisor]

of

Name	JONATHAN CORKILL
Street	████████ CENTRAL DRIVE
Town	BARROW IN FURNESS
County	CUMBRIA
Postcode	LA14 3HZ
Tel No. (optional)	

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence
[type of application]

by

WALNEY CENTRAL ARLFC
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Premises	WALNEY CENTRAL ARLFC
Street	CENTRAL DRIVE
Town	BARROW IN FURNESS
County	CUMBRIA
Postcode	LA14 3HZ
Tel No. (optional)	

[name and address of premises to which the application relates]

Barrow Licensing Authority

BA16

and any premises licence to be granted or varied in respect of this application made by

WALNEY CENTRAL ARLFC

[name of applicant]

concerning the supply of alcohol at:

Premises	WALNEY CENTRAL ARLFC
Street	W CENTRAL DRIVE
Town	BARROW IN FURNESS
County	CUMBRIA
Postcode	LA14 3HY
Tel No. (optional)	

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 022367

[insert personal licence number, if any]

Personal licence issuing authority:

Issuing Authority	BARROW LICENSING AUTHORITY
Street	DOKE ST
Town	BARROW IN FURNESS
County	CUMBRIA
Postcode	LA14 2LD
Tel No.	

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

S. CORKILL

Date

26-5-16

13-6-2016

TO THE ENVIRONMENTAL HEALTH DEPT.

APPENDIX No. B

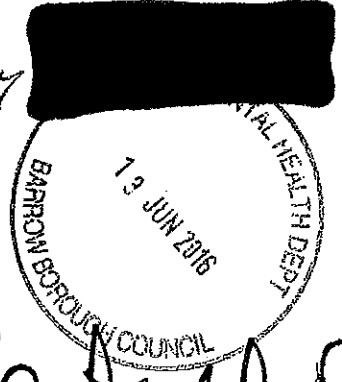
I WISH TO OBJECT TO THE OPENING OF A NIGHT CLUB AT THE PREMISES OF WALNEY CENTRAL RUGBY LEAGUE CLUBHOUSE THE REQUIREMENT OF A LICENSE FOR THE CLUB, WHEN YOU HAVE THE BARROW GOLF CLUB, BARROW VICKERTOWN CRICKET CLUB, THE FERRY THE ALFRED AND THE FORMER INSTITUTE THE NAUTICAL. ALL WITHIN HUNDREDS OF YARDS OF THE PROPOSED NIGHT CLUB ALSO THE TIMES INDICATED. 10.00 AM — 01.00 AM. IS NOT IN THE INTERESTS OF THOSE WHO LIVE IN THE VICINITY OF THE PROPOSED APPLICATION

I WISH TO OPPOSE THIS APPLICATION

RICHARD DENNIS 52 CENTRAL DRIVE WALNEY

[REDACTED]
 [REDACTED]
 [REDACTED]

48, Grand Central Ave



50 Central Drive
 54 Central Drive
 85 CENTRAL DRIVE
 58 CENTRAL DRIVE

WE THE ABOVE, OBJECT TO THE OPENING OF A NIGHT CLUB WHEN THERE ARE ENOUGH LICENSED PREMISES IN THE NEAR VICINITY. ALONG WITH THE PROSPECTIVE NOISE IN A RESIDENTIAL AREA.

Representation Form



Interested Person/Body in the vicinity of the premises detailed below

Your Name/Company Name/Name of Body you represent.	Christine Kay on behalf of Mrs Winifred Kay
Postal and email address	58 Central Drive, Walney, Barrow-in-Furness, Cumbria LA14 3HY [REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about.	Walney Central ARLFC
Address of the premises you are making a representation about.	Central Drive, Walney

Your representation must relate to one of the four Licensing Objectives. Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Yes	Access lane used by children as a footpath and right of way; potential underage drinking
To prevent Public Nuisance	Yes	Noise: music, patrons, vehicles (cars, taxis, delivery trucks, waste disposal).
To prevent crime and disorder	Yes	Drink and drug related crime; disorderly conduct
Public Safety	Yes	Increased vehicular traffic on footpath and public right of way; egress onto main road close to pedestrian crossing

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	Limiting licensing hours to no later than 11pm Late night drinking - is not congruent with promoting community values and youth sports. - attracts persons who have no vested interest in the club other than a desire to drink late and as such are unlikely to uphold the values of the club and its members and its relationship with the local community
---	---

N.B If you do make a representation you will normally be expected to attend or be represented at a hearing of the application Committee and at any subsequent appeal.

Signed: Christine Kay

Date: 20 June 2016

Please return this form along with any additional sheets to: The Licensing Manager, Environmental Health Department, Barrow in Furness, Cumbria LA14 2LD or email commercial@barrowbc.gov.uk. This form must be returned within the specified time period. Please check with the Licensing Authority. Telephone: 01229 876343 or 01229 876365.



Kevin Corkill
Walney Central ARLFC
17 Rother Green
Walney Island
Barrow-in-Furness
Cumbria
LA14 3XA

Tel: [REDACTED]
Email: [REDACTED]

RE: Walney Central ARLFC Licence Application

To Whom It May Concern,

I am writing to you on behalf of Walney Central Rugby with regard to some concerns that have been raised regarding the premises licence application that has been submitted.

I believe that one of the concerns is around the opening times on the application itself, and the fact that the times show the club to be open all day, every day. I would like to assure you that this is not the case and will never be the intention to operate as such.

The licence is being applied for with a view to the future and the new clubhouse that we have planned. As I am sure you are all aware we have been granted planning permission for a new clubhouse to be built on the land which will give us a much needed social area and bar, as well as better catering facilities for match days. The club itself will continue to operate in much the same way as it always has, this licence will simply give us the ability to give our teams, from the Under 5s all the way to the open age, the facilities they require and deserve.

The new clubhouse is being built with the intention of not simply using it as a Rugby Club however, but as a Community asset. These extended opening hours will simply give us the opportunity to allow different groups such as disability groups, toddler groups, slimming clubs etc to use the facilities during the daytime on occasions. We will also have the ability to use the club for our awards and presentations, something we have been missing for quite some time now.

At Walney we are currently experiencing a surge in numbers throughout all of our age groups. We pride ourselves on the numbers that we have and the friendly family atmosphere that we have down the club. We have always had a good relationship with all of our neighbours and of course we wish this to continue.

In the long term this licence will give us the ability to continue to raise funds for the club, which is all used to give young players a place where they can get out and play a sport outside in a safe friendly environment, with the support and encouragement they require in order to not only make them a better Rugby Player, but to teach them about working together as a team and helping them to develop into responsible young adults.

The licence we have applied for is no different to the licences held by other Rugby Clubs such as Hindpool, Barrow Island, Askam and Dalton to name just four and will simply give us the ability to function as a club which can also become an asset for the local community.



With regards to the outdoor functions, this licence stipulates that we can hold no more than four per year, with strict controls over security and noise levels. We currently hold these events under a temporary event notice (TEN), so nothing should change regarding these. Any events we do plan will be advertised well in advance of the date.

I hope this has been able to alleviate some of your concerns, as this is something we really feel will be of benefit to us all, as a Rugby Club and Community in general.

Yours Sincerely

Kevin Corkill

From: Corkill, Kevin <[REDACTED]>
Sent: 17 June 2016 09:45
To: Jennifer Curtis
Subject: RE: Notified objector

Thanks

If they are still adamant that they want to object, would I be able to find out who they are so I could call and speak to them in person. I know most of the people along there and would rather speak to them face to face. Even if it is just the main instigator so to speak.

Thanks

Kevin Corkill
[REDACTED]

T: [REDACTED] | M: [REDACTED] E: [REDACTED]

From: Jennifer Curtis [mailto:[REDACTED]]
Sent: 17 June 2016 09:43
To: Corkill, Kevin; [REDACTED]
Cc: Corkill, Jonathan
Subject: Notified objector

WARNING !

This message originates from outside the organisation, either from an external partner or from the internet. Keep this in mind if you answer the message. For information regarding "Red Flags" that you can look out for in emails you receive click [here](#).

If you feel the email is suspicious click [here](#).

Hi Both,

I have notified the objectors of your intentions to reduce your operating hours and licensable activities to 11pm. (everything else will remain unchanged)

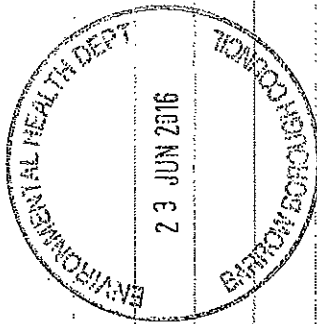
The will confirm whether they are satisfied with the changes on Monday. I feel they will not achieve any better by taking it to a sub-committee, I told them that too.

Any questions, just give me a call.

Jen

Jennifer Curtis
Senior Licensing Officer
Barrow Borough Council
01229 876343

18, Central Drive
Barrow



TO MRS EVERTS

I'm writing to you asking
not to give Rugby Club 1 a lock licence
I'm 75yrs old live alone my house
is just by path way access in a
out to Rugby Club



On the basis that the licensable activities cease
at Upm, I withdraw my objections

5.0 Licensing Objectives

5.1 The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

5.2 These objectives are the only factors that can be taken into account in determining an application and any conditions attached to a premises licence or club premises certificate must be necessary to promote the licensing objectives. If there are no relevant representations, then an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule. Any conditions offered by the applicant within their operating schedule will be attached as conditions to the licence.

5.3 Where it is appropriate to promote these licensing objectives, the controls the licensing authority and responsible authorities will expect to see where relevant:

5.4 Prevention of Crime and Disorder:

- The use of toughened glass/polycarbonate or other plastic/non glass bottles/receptacles;
- Measures to prevent open bottles or other drinks containers being carried from premises;
- Restriction of drinks promotions and responsible retailing;
- Means of providing free water;
- Marketing promotions do not encourage excessive consumption and should be socially responsible;
- Measures to prevent binge drinking;
- Participation in pub/club watch schemes and attendance at meetings;
- Use of appropriate numbers of security personal and stewards ensuring effective controls at all times. Training staff in crime prevention measures;
- Search procedures;
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office minimum requirements;
- Adequate lighting;
- Design premises to minimise the opportunity for crime and disorder;

- Quality supervision and surveillance in premises;
- Regular checks by staff of all public areas including toilets;
- Assessment of customer profile ensuring the effective management of customers both inside premises and in outside smoking/external seating areas;
- Anti-discriminatory policies and practice covering such as. homophobia and racism;
- Provision of a means of communication to other venues and the Police.

5.5 Public Safety:

- Promotion of responsible drinking;
- Awareness of drink spiking;
- Zero tolerance drug policies including the appropriate use of searching/amnesty boxes to combat drug crime;
- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding;
- Regular removal of all glasses and bottles;
- Specific precautions for the use of special effects;
- Adequate provision for ventilation/temperature control;
- Assessment, monitoring and management of noise exposure;
- Assessment for crowd dynamics;
- Safety of gas and electrical services;
- Fire safety and emergency lighting;
- Easy accessible free drinking water.

5.6 Prevention of Public Nuisance:

- Assessment of the likelihood of nuisance affecting local communities through an assessment of the location of premises, character of the surrounding area and the proximity to residential and other sensitive premises. Nuisance could be from noise, odour or light
- Latest admission times
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to dealing with queuing, where necessary

- Use and management of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and nightclubs etc.
- Disposal of waste, particularly glass
- Use and maintenance of plant, including air extraction and ventilation systems
- Litter collection in vicinity
- Consideration of an adequate traffic management plan
- Noise from deliveries/collections
- Odour and light nuisance
- Measures to supervise customers' use of beer gardens, smoking and external seating areas

5.7 Protection of Children from Harm:

- Limitation of access dependant on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include preventions of under 18s entering the premises where appropriate and the requirement for anyone who appears to be under 18 to provide proof of age in the form of a photo driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards.
- Adoption of the Challenge 21/25 policy
- Adequate staff training on age restricted sales
- Adequate warning signage
- Measures to avoid proxy sales
- Control measures to protect child performances
- Records of refusals (refusal log)
- Suitable design and layout of alcohol display

5.8 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Responsible Authorities, the Health

Authority, local businesses and local people towards the promotion of objectives as outlined.

2. The licensing objectives

Crime and disorder

- 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 local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 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.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- 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 (see paragraph 2.4 above);
 - 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;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33-8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.14 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

¹ S 177 of the 2003 Act now only applies to performances of dance.

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 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.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 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.

Protection of children from harm

- 2.21 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.
- 2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;

- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.27 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.28 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 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.

2.29 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.30 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.31 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

9. Determining applications

General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

- 9.3 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.

Relevant, vexatious and frivolous representations

- 9.4 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.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 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.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

Representations from the police

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 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 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.

⁵ Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Disclosure of personal details of persons making representations

- 9.25 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.26 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

- 9.27 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.28 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.29 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.30 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.31 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.32 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.33 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.34 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination.

process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

- 9.35 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.36 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.
- 9.37 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:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.38 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 such conditions that are consistent with the operating schedule. Any 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. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.39 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 refuse to specify a designated premises supervisor and/or 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.
- 9.40 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

- 9.41 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.
- 9.42 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.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

- 9.44 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.



**BOROUGH OF
BARROW IN
FURNESS**

Barrow Borough Council

Licensing Section

Barrow Borough Council
Town Hall, Duke Street
Barrow-in-Furness Cumbria
LA14 2LD

Tel: 01229 876543

Fax 01229 876411

Email: commercial@barrowbc.gov.uk

www.barrowbc.gov.uk/licensing

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Premises Licence

Annex 1

ANNEX 1 – MANDATORY CONDITIONS

Mandatory conditions are subject to amendment by central government. It is the licence holder's responsibility to ensure that they are up to date with any changes in legislation.

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where Door Supervisors are provided

(Except theatres, cinemas, bingo halls and casinos)

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Act 2001 (PSIA); or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Licensing Act 2003
- (2) But nothing in subsection (1) above requires such a condition to be imposed:
 - (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the PSIA 2001 (premises with premises licences authorising plays or films); or
 - (b) In respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by the club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act)



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(clause 6)

(3) For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purpose of that Act,
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The following conditions shall apply from 28th May 2014

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$
Where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and



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Barrow-in-Furness Cumbria
LA14 2LD
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- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of 14 days beginning on the second day.

The following conditions shall apply from 1st October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carryout, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;



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- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and



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(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”