

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 7 March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Application for the grant of a premises licence under the Licensing Act 2003

### Report summary:

The report summarises an application for the grant of a premises licence to be considered by the sub-committee.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That members consider an application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ

### Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Lesley Barber, [lesley.barber@eastdevon.gov.uk](mailto:lesley.barber@eastdevon.gov.uk)

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### Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

### Links to background information:

[EDDC Statement of Licensing Policy 2021-2026](#)

## [Licensing Act 2003 Guidance issued under Section 182](#)

APPENDIX A – Licensing application

APPENDIX B – Plan of premises

APPENDIX C – Location plan & photo

APPENDIX D – Representations received

**APPENDIX E – Responses to Notice of Hearing**

APPENDIX F – Operating Schedule

APPENDIX G – New operating schedule incorporating Police conditions

### **Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
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### **Report in full**

#### **1 Description of Application**

- 1.1 An application has been received from Mr Yogananthan Ramesh for a new premises licence.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 Mr Ramesh is also the proposed Designated Premises Supervisor, he holds a Personal Licence issued by the London Borough of Hammersmith & Fulham.
- 1.4 The application seeks to licence the premises known as Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ.
- 1.5 The proposed licensed area is on the ground floor. The premises is situated on the Strand and located across the road from the Strand taxi rank.
- 1.6 The proposed timings and licensable activities applied for are as follows:
  - Sale of alcohol for consumption OFF the premises:  
Monday – Sunday 06:00 to 02:00
  - Provision of late night refreshment:  
Monday – Sunday 23:00 to 02:00
  - Opening hours:  
Monday – Sunday 06:00 to 02:00
- 1.7 A plan of the premises is provided at **APPENDIX B**. A counter is located directly inside the entrance door. A serving hatch to the street also exists.
- 1.8 A plan of the area is provided at **APPENDIX C**. Photos taken to show the outside of the premises and its location within the Strand are also attached at **APPENDIX C**. The serving hatch can be seen in the photos, located to the right of the entrance door.

- 1.9 The applicant has set out a number of proposed conditions within the Operating Schedule. These are not shown within the application form itself but accompanied the application on a separate document. This is provided at **APPENDIX F**.

## **2 Statutory Bodies' Response**

- 2.1 Devon & Cornwall Police  
Representations received. Agreed position between the applicant and Police.
- 2.2 Devon & Somerset Fire & Rescue Service  
No representations.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board  
No representations.
- 2.4 Devon Trading Standards  
No representations.
- 2.5 East Devon District Council, Environmental Health Service  
No representations.
- 2.6 East Devon District Council, Planning & Countryside Service  
No representations.
- 2.7 Primary Care Trust  
No representations.
- 2.8 Home Office  
No representations.

## **3 Representations**

- 3.1 In addition to the representation submitted by Devon & Cornwall Police, representations have been received from SEVEN other persons. Details of their representations are attached at **APPENDIX D**.
- 3.2 Two individuals who have raised a representation are local residents, living within the Strand area (**APPENDIX D**).
- 3.3 Five of those who have submitted a representation have done so as business owners, all of their business premises are located on or close to The Strand (**APPENDIX D**).
- 3.4 The objections raised relate to all four of the licensing objectives:
- Prevention of crime & disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 3.5 A number of the representations reference another licensed premises on The Strand. This is Premier JC Stores located at 9 Rolle St, Exmouth (PLWA0590):
- Licensed for the sale of alcohol for consumption OFF the premises 08:00-23:00
  - Premises Licence Holder (PLH) – Aathiran & Co Ltd
  - Designated Premises Supervisor (DPS) – Mr Yoganathan Kuhananthan

3.6 The Moores Newsagents premises licence application is submitted by Mr Yogananthan Ramesh, he is neither the PLH nor the DPS at Premier JC Stores. The applicant's representative has confirmed the two businesses are not operated by the same person, although there is a 'family connection'.

#### **4 Proposed Operating Schedule and Agreed Position with Police**

4.1 A number of conditions have been offered by the applicant within his Operating Schedule. These are attached at **APPENDIX F**.

4.2 Devon & Cornwall Police have submitted a representation. Following mediation between the Police and applicant an agreement has been reached. The Police have requested amendments to conditions originally offered by the applicant and have agreed additional conditions in order to ensure the licensing objectives are not undermined. The applicant has agreed to these amendments. This agreement is set out within the Police representation and shown with the representations list at **APPENDIX D**.

4.3 **APPENDIX G** details the new set of proposed conditions, incorporating those originally offered with the new Police conditions.

4.4 **APPENDIX G** will therefore replace the original list of conditions (operating schedule) set out at **APPENDIX F**.

#### **5 Responses to Notices of Hearing & Mediation**

5.1 By way of mediation, a copy of the agreed position between the applicant and the Police, including the new operating schedule (**APPENDIX G**) has been forwarded to each objector by the Licensing Officer. Each objector has been invited to withdraw their objection if they feel that the agreement between the applicant and Police mitigates their concerns.

5.2 No objections have been withdrawn as a result of the agreement between applicant and Police.

5.3 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E**.

5.4 **APPENDIX E** includes a response from the Police Licensing Officer, confirming he will not be attending the hearing as an agreed position has been reached with the applicant. He further confirms that the local Police inspector and Police Sergeant had been consulted as part of the process. Specific comments can be viewed at **APPENDIX E**.

5.5 Although no response has been received from a number of the objectors their original written representations will have to be considered by the committee (**APPENDIX D**).

5.6 A number of objectors have responded to the notice of hearing indicating that they wish to attend the hearing. Those who have responded and cannot attend have nominated others to represent them. Details of the response to notice of hearing and additional comments in support of the representations are attached at **APPENDIX E**.

5.7 The applicant's representative, Mr Rushton, is unable to attend the hearing. He has confirmed the applicant Mr Ramesh will be attending. Mr Rushton has nominated Mr Fender to attend the hearing to represent his client.

5.8 Mr Rushton has made direct contact with those who have submitted a representation to initiate mediation. The outcome of these negotiations is unknown.

5.9 In his response to Notice of hearing Mr Rushton has set out his intention to submit additional supporting information/evidence. At the time of submitting this report no further information has been received.

## **6 Relevant Licensing Policy Considerations**

### **Licensing Objectives**

6.1 Section 3.1.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.'

These are:-

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

6.2 Section 3.1.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate in achieving the licensing objectives.

6.3 Section 3.1.3 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

6.4 Section 3.1.4 of the Policy states: The licensing authority requires applicants to address the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, and the nature of the location and the needs of the local community.

6.5 Section 3.1.7 of the Policy states: It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a "cure all" for solving all problems within the community. The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The licensing authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council's Environmental Health teams, local businesses and local people towards the promotion of the objectives as outlined.

### **Determining Applications**

6.6 Section 5.3.1 of the Policy states: When determining a licence application, the overriding principle adopted by this authority will be that each application will be determined on its merits. The authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to promote the licensing objectives. The authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The authority will give reasons for any such departure from policy.

6.7 Section 5.3.2 of the Policy states: The authority will expect applicants to demonstrate in their applications active steps for the promotion the licensing objectives. When determining an application, a key consideration for the authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. It might be that the applicant has considered all of this and decides that no measures will be appropriate to cover promotion of one or more of the licensing objectives but that consideration will need to be made by the applicant.

- 6.8 Section 5.3.3 of the Policy states: The authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning.

### **Conditions**

- 6.9 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 6.10 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.

### **Licensing Hours**

- 6.11 Section 10.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

### **Nuisance**

- 6.12 Section 16.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

### **Capacity**

- 6.13 Section 17.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

## **7 Guidance issued under Section 182 Licensing Act 2003:**

### **Representations**

- 7.1 Section 9.4 of the Guidance states: 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. 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.

7.2 Section 9.5 of the Guidance states: It is for the licensing authority to determine whether a representation (other than a representation from a 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.

7.3 Section 9.9 of the Guidance states: 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.

### **The Role of Responsible Authorities**

7.4 Section 9.12 of the Guidance states: Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

### **Imposing conditions**

7.5 Section 10.8 of the Guidance states: The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

7.6 Section 10.9 of the Guidance states: It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

### **7.7 Proportionality**

Section 10.10 of the Guidance states: The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

### **7.8 Hours of Trading**

Section 10.13 of the Guidance states: The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

- 7.9 Section 10.14 of the Guidance states: Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 7.10 Section 10.15 of the Guidance states: Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

### **The need for licensed premises**

- 7.11 Section 14.19 of the Guidance states: There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

## **8. Additional Observations**

- 8.1 The premises known as Moores Newsagents was previously licensed for the sale of alcohol for consumption OFF the premises, this licence was surrendered in 2011, the terminal hour on that licence being 22:30.
- 8.2 Following a sub-committee hearing in November 2021 a licence was granted for a nearby OFF licence, situated at 5 Parade, Exmouth. The terminal hour on this licence being 04:00. Whilst the licence was granted the premises never opened, the licence has subsequently been surrendered.
- 8.3 The nearby Tesco Express, located in Rolle St, is licensed for the sale of alcohol for consumption OFF the premises 06:00-23:00 daily.
- 8.4 The nearby Co-Op, located in Magnolia Walk, is licensed for the sale of alcohol for consumption OFF the premises: Monday – Saturday 06:00-23:00, Sunday 10:00-22:30.
- 8.2 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the ‘test’ that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be ‘appropriate’ and no longer ‘necessary’.
- 8.3 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.

### **Legal Advice**

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its



own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.

3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
  - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
  - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

#### **Section 19 - Mandatory conditions relating to the supply of alcohol for consumption OFF the premises**

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.  
(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (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.
3. (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 7(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 amount 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
- (e) “value 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 the period of 14 days beginning on the second day.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

## 6. Human Rights Act 1998

6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one’s possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

## **7. Appeals**

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person as a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates’ Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as a designated premises supervisor. The magistrates’ court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates’ court may make any costs order it thinks fit.

## **8. Review Provisions**

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable any person, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

## **9. Police Closure**

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety.

Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

## **10. Surveillance Camera Code of Guidance-June 2013**

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Legitimate aim and necessity are considered in relation to the four licensing objectives which are set out elsewhere within this report if the Committee is considering conditioning any premises licence with the installation of a CCTV surveillance system.

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### **Financial implications:**

The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

### **Legal implications:**

Legal implications are included within the report.