

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 22 May 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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

Report summary:

The report summarises an application for the grant a time-limited 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 supply of alcohol for consumption OFF the premises only on 3rd June & 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Lesley Barber, lesley.barber@eastdevon.gov.uk

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 & photos

APPENDIX D – Representations received

APPENDIX E – Responses to Notice of Hearing

APPENDIX F – Operating Schedule

APPENDIX G – PSPO Exmouth

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1 Description of Application

- 1.1 An application has been received from The Can Do Pub Co Ltd, The Grapevine Brewhouse, 2 Victoria Rd, Exmouth. The applicant proposes to site a trailer bar on the pavement area at Orcombe Point, Exmouth.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 The proposed timings and licensable activities applied for are as follows:
 - Sale of alcohol for consumption OFF the premises only: 12:00 – 19:00
 - Premises opening times: 12:00 – 19:00
- 1.4 The application is limited to Saturday 3rd June and Sunday 4th June only.
- 1.5 Oliver Bainbridge is nominated as Designated Premises Supervisor. Mr Bainbridge holds a Personal Licence and owns and operates The Grapevine Brewhouse, Victoria Rd, Exmouth.
- 1.6 The premises plan is provided at **APPENDIX B**. This shows the proposed location of the trailer (area outlined in red, shaded in pink).
- 1.7 A diagram confirming the size of the trailer is provided, along with photos of the trailer, at **APPENDIX B**.
- 1.8 A location plan and photos of the location are provided at **APPENDIX C**.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police

No representations. The following comment has been received from the Police Licensing Officer: I am aware Orcombe Point is a sensitive area so I have consulted with the Local Police Inspector and Sergeant, Insp Weeks and Sgt Stonecliffe, Insp Weeks did not wish to object to the application but did raise the issue of the lack of public conveniences in the area. I have fully assessed the application and I am satisfied that the applicant has adequately demonstrated how he will promote the licensing objectives, I will therefore not be submitting a representation.

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 and Responses to Notices of Hearing

3.1 Seven representations have been received. Details of the representations are attached at **APPENDIX D**. Representations are included from Exmouth Town Council and the EDDC Beach Safety Officer.

3.2 Details of the responses to the statutory Notice of Hearing received at the time of writing the report are attached at **APPENDIX E**.

3.3 The applicant Oliver Bainbridge will attend the hearing. At the time of writing this report ONE other party has confirmed their attendance, FOUR will not attend and no responses have been received from a further TWO.

4 Proposed Operating Schedule and Mediation

4.1 The steps the applicant intends to take to meet the licensing objectives (the operating schedule) are attached at **APPENDIX F**. Should this licence be granted these will form formal conditions on the licence.

4.2 The operating schedule includes a no glass policy. Drinks will be served in plastic containers, with a deposit system in place to discourage the use of single-use plastics.

4.3 By way of mediation the applicant has provided an additional statement (via email 24/04/23) for circulation to all those who raised an objection. This is included within the Response to

Notice of Hearing document at **APPENDIX E**, the email was circulated by the Licensing Officer to all objectors on 25/04/23.

- 4.4 It is noted that some parties have referred to and responded further to Mr Bainbridge's email of 24/04/23, their comments are included in their responses to Notice of Hearing at **APPENDIX E**.
- 4.5 No representations have been withdrawn following receipt of the email.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 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
- 5.2 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.
- 5.3 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.

Environmental Factors

- 5.4 Section 5.6.1 of the Policy states:
The Council Plan for 2020 to 2024 highlights key priorities, principles and values including working towards reducing our carbon footprint and enhancing our environment, along with supporting initiatives that promote the health and well-being of our residents. The Licensing Authority works in support of the Council Plan noting the potential impact to the environment from time limited, outdoor licensed events. The Licensing Authority will expect applicants to be familiar with initiatives that reduce and mitigate the impact upon the environment, for example the relevance of avoiding of single use plastic drink containers, avoidance of materials that have a detrimental effect to the environment and similar initiatives.
- 5.5 Section 5.6.2 of the Policy states:
Any operating schedule submitted in respect of time limited premises licences should include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how outside areas will be managed to prevent noise, smell, or obstruction nuisance to residents and the public.
- 5.6 Section 5.6.3 of the Policy states:
East Devon's exceptional coastline forms part of a World Heritage Site (WHS) and circular 07/2009 on the protection of WHS advises that appropriate policies for the protection and sustainable use of WHSs including enhancement where appropriate. The East Devon part of the site (for nearly all of its length) also lies in the East Devon Area of Outstanding Natural Beauty. AONB's enjoy, with National Parks, the highest level of landscape protection in Britain being therefore, a national asset. It should be noted that a very small part of the Dorset AONB also falls in East Devon.
- 5.7 Section 5.6.4 of the Policy states:

Experience over many years denotes that trading and licensable events have been eagerly sought along beaches and seafronts and would be significantly over prescribed if permitted to take place with consent of the land owner. Therefore continued preservation and protection of coastal, seafront areas locations will be an ongoing consideration under this policy.

Conditions

- 5.8 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.9 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

- 5.10 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.
- 5.11 Section 10.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Nuisance

- 5.12 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.

6 Guidance issued under Section 182 Licensing Act 2003 (issued December 2022):

6.1 Public Nuisance

Section 2.15 of the Guidance states: The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Representations

- 6.2 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.
- 6.3 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.
- 6.4 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

- 6.5 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

- 6.6 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.
- 6.7 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.

6.8 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.

6.9 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.

- 6.10 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.

The need for licensed premises

- 6.11 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.

7. Observations

- 7.1 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’.
- 7.2 Although no response has been received from a number of the outstanding objectors their original written representations will have to be considered by the committee (**APPENDIX D**).
- 7.3 The committee are asked to note that within the applicant’s response to notice of hearing (at **APPENDIX E**) that reference is made to an outside bar at Hangtime Café. The café is a small unit located within the Sideshore development on Exmouth seafront. Sideshore comprises a number of retail units along with Mickeys’ Beach Bar & Restaurant. The outside bar events referred to at Hangtime Café are operated under Temporary Event Notices (TENs). Each TEN is submitted in advance for specific dates. TENs are subject to the strict limitations set out within the Licensing Act legislation. Licensable activities in any particular location are currently limited to a maximum of 26 days per calendar year. It is further noted that the TEN is for consumption of alcohol ON the premises only. The premises in this instance includes the outside bar along with a clearly defined area of Sideshore. Alcohol cannot be purchased to take away from this location to be consumed on the beach or further afield.
- 7.4 As noted at 1.4 of this report, this application is limited to 3rd & 4th June only. Any additional dates proposed by the applicant (and referred to within **APPENDIX E**) would require authorisation either by a new time-limited premises licence application or a series of Temporary Event Notices.
- 7.5 With reference to the applicant’s comments (**APPENDIX E**) that “it seems unreasonable for one family business to be allowed to pop-up on the sea-front while another is stopped” the committee are reminded that each individual application is to be judged on its own merits.

- 7.6 Two representations (**APPENDIX D**) refer to the PSPO (Public Spaces Protection Order) currently in place. The current PSPO is provided for information at **APPENDIX G**. The PSPO includes the area of Orcombe Point.
- 7.7 PSPOs are tools that councils can use to deal with particular nuisances or problems affecting a specific area that is or may be detrimental to the local community. They can be used for a wide range of problems for which there is evidence of impact.
- 7.8 The PSPO does not prohibit the sale or consumption of alcohol within this particular area. However, it permits an authorised officer to ask a person to surrender alcohol. A person commits an offence if they do not surrender alcohol in their possession when requested to do so by an authorised officer.
- 7.7 EDDC have adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to street trading within its area. However, a street trading consent is not required on land within the approved plan of any premises being licensed for the sale of alcohol, including licensed outdoors areas. Therefore the applicant does not require a Street Trading Consent in this instance. (This exemption does not apply to locations where the licensable activities are authorised under a Temporary Event Notice).
- 7.8 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 (OFF the premises only)

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 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 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.

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.