

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 28 January 2026

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 new 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 the licensing sub-committee consider an application for the grant of a new premises licence for the supply of alcohol to be consumed OFF the premises at Stranger Tides Brew Co, The Store/The Workshop, Little Bicton Place, Exmouth, EX8 2SS.

### Reason for recommendation:

To comply with the statutory process.

Officer: Phillippa Norsworthy, Licensing Manager, [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)

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

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☒ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

### Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

### Climate change Low Impact

**Risk:** Choose a risk level; Low risk

**Links to background information** [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK](#) [National Licensing Policy Framework for the hospitality and leisure sectors \(web version\) - GOV.UK](#) [Statement of licensing policy 2026-2031 - East Devon](#)

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

Priorities (check which apply)

- ☐ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☒ Resilient economy that supports local business
- ☐ Financially secure and improving quality of services

APPENDIX A – Premises licence application

APPENDIX B – Street View

APPENDIX C – Plan of the premises

APPENDIX D – Planning permission

APPENDIX E – Police agreed position

APPENDIX F – List of representations

APPENDIX G – Responses to Notice of Hearing

APPENDIX H – Operating Schedule

APPENDIX I – Statement from applicant and objectors' responses.

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## **Report in full**

### **1 Application**

- 1.1 An application has been received from Mr C Hawkins for the grant of a new premises licence for the supply of alcohol to be consumed OFF the premises. The application seeks the grant of a premises licence for the supply of alcohol to be consumed OFF the premises, Monday to Sunday, 09:00 to 21:30 with the same opening hours.
- 1.2 Stranger Tides Brew Co has been described as a 'nano brewery' which by definition is an extremely small-scale brewery and represents the smallest tier in the craft beer industry. From the application, the nano brewery is described as consisting of six tanks for the brewing and the storage of the final product. The applicant requires a premises licence for the supply of alcohol to be consumed OFF the premises to enable the operation of distributing the brewed alcohol via an online delivery service. The full application can be found at **APPENDIX A**.
- 1.3 The location of the proposed brewery is in the town of Exmouth at Little Bicton Place, which is a narrow street close to Rolle Street. The premises is located between a school and sheltered housing. Opposite to the premises are private garages and rear parking access for residents who live at Bicton Place. Little Bicton Place has a parking restriction in place by way of double yellow lines running along the entirety of the road. A street view of the location is attached at **APPENDIX B**.
- 1.4 The applicant has provided a plan of the interior of the premises indicating the licensable area and this can be found at **APPENDIX C**.

- 1.5 The application was advertised by way of a statutory public notice displayed at the premises for 28 consecutive days and in the local newspaper. Both notices were checked by a licensing officer. The last date for representations to be received in respect of this application was 30 December 2025.

## **2 Planning Implications**

- 2.1 Although planning matters are not taken into account when considering a Licensing Act 2003 application it is useful to point out that in a number of representations planning permission was queried. To clarify the planning permission in place for the address of the premises I have included a letter from the Planning Department for members to be aware of. The letter confirms that no change of planning permission is required for the premises. This can be found at **APPENDIX D**.

## **3 A National Framework for a Balanced Licensing System**

- 3.1 Members will be aware of the recent consultation which took place in October to November 2025. The National Licensing Policy Framework sets out the Government's strategic vision for a modern, consistent and pro-growth premises licensing system for England and Wales and how this should be applied in practice. The aim is to align licensing practices with national priorities including economic growth, cultural development, jobs, regeneration, public safety and community wellbeing. Licensing Authorities should use this framework to guide the revision of their Statements of Licensing Policy, inform training, and review local approaches to ensure consistency, transparency and alignment with national strategic aims. The National Licensing Policy Framework guidance can be found at 'links to background information'.

## **4 Statutory Bodies' Response.**

- 4.1 Devon & Cornwall Police – Representation Received. The Police have reached an agreed position with the applicant. Further details regarding this agreement can be found at **APPENDIX E**.
- 4.2 Devon & Somerset Fire & Rescue Service – No representations.
- 4.3 Area Child protection Committee and Local Safeguarding Children Board – No representations.
- 4.4 Devon Trading Standards – No representations.
- 4.5 East Devon District Council, Environmental Health Service – No representations.
- 4.6 East Devon District Council, Planning & Countryside Service – No representations.
- 4.7 Primary Care Trust – No representations.
- 4.8 Home Office – No representations.

## **5 Representations and Responses to Notices of Hearing**

- 5.1 The Police raised a representation based upon the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

- 5.2 During the application consultation process, the police reached an 'agreed position' with the applicant. The applicant has agreed to additional conditions being imposed on the premises licence, should the licence be granted. Please see **APPENDIX E**.
- 5.3 A total of fifteen representations were received from persons including the Police. Three representations were withdrawn, and two representations were in support of the application. Full details of all representations received can be found at **APPENDIX F**.
- 5.4 Full details of the responses to the Statutory Notice of Hearing are attached at **APPENDIX G**, including a summary of key points submitted.

## **6 Proposed Operating Schedule and Mediation.**

- 6.1 The conditions offered by the applicant on the operating schedule as part of the application can be found at **APPENDIX H**.
- 6.2 Devon & Cornwall Police contacted the Licensing Team on 19 December 2025 outlining their representation relevant to the prevention of crime and disorder and the protection of children from harm licensing objectives. The applicant came to an agreed position with the Police and accepted the additional conditions to be imposed on the premises licence, should it be granted.
- 6.3 During the consultation period the applicant was made aware that representations had been received and, in an attempt, to mediate he submitted a written response to all persons making a representation. This letter can be found at **APPENDIX I**. As a result of this letter, two persons withdrew their representation.
- 6.4 One person who had made an objection to the application submitted a response to the applicants mediation letter. This response can be found at **APPENDIX I**.
- 6.5 Additional correspondence from persons making representations were received in response to the applicant's written attempt at mediation. Details of their responses can be found at **APPENDIX I**.
- 6.6 The applicant provided a response to the letter dated 3 January and can be seen at **APPENDIX I**.
- 6.7 The applicant has met with some of the residents at a local coffee morning to clarify his business operation and to attempt to alleviate their concerns and has made contact with the Headteacher of the school next door to the premises.

## **7 Relevant Licensing Policy Considerations**

- 7.1 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
- 7.2 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.

- 7.3 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.

### **Conditions**

- 7.4 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 7.5 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.
- 7.6 Section 6.7 of the policy states: Applicants are encouraged to volunteer their own conditions by way of an operating schedule. The terms of a premises licence and any conditions attached should be clear, not just clear to those having specialised knowledge of licensing, such as the licensing authority or the manager of the premises but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all. The licensing authority's experience has shown that many conditions that have been volunteered have been vague, uncertain, imprecise and unenforceable. As an aid to applicants or their representatives to ensure that the operating schedules that are offered are spelt out in clear terms the licensing authority has formulated a pool of conditions which applicants are invited to use when formulating their operating schedules. Further conditions are available in Annexe D to the Guidance issued under Section 182 of the Licensing Act 2003 available on the GOV.UK website.

### **Licensing Hours**

- 7.7 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.
- 7.8 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**

- 7.9 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.

8.1 The Guidance under Section 182 Licensing Act 2003 was updated in November 2025 as Licensing Authorities need to have regard to the local economy when making decisions. At 1.18 of the guidance, all licensing authorities should consider the need to promote growth and deliver economic benefits. The updated guidance also encourages authorities to recognise the significance of spiking and encourages conditions to be added to licences where appropriate and proportionate. Section 1.18 states: When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits.

## 8.2 **Crime and Disorder**

Section 2.1 of the Guidance states: 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).

## 8.3 **Public Safety**

Section 2.8 of the Guidance states: 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.

## 8.4 **Public Nuisance**

Section 2.21 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.

## 8.5 **Protection of Children from Harm**

Section 2.28 of the Guidance states: 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.

## **Representations**

8.6 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.

- 8.7 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**

- 8.8 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**

- 8.9 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.
- 8.10 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.

### **8.11 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.

### **8.12 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.

### **Observations**

- 9.1 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'.
- 9.2 The application being considered is the grant of a new premises licence to permit:

The supply of alcohol to be consumed OFF the premises:  
Monday to Sunday – 09:00-21:30.

The premises opening hours:  
Monday to Sunday – 09:00-21:30.

- 9.3 The proposed Designated Premises Supervisor (DPS) is proposed as Mr C Hawkins, who holds a personal licence issued from East Devon District Council – EDVE2978.
- 9.4 Responses to the Notice of Hearing have been received from the applicant, objectors and persons supporting the application. At the time of writing this report persons who are intending to attend the hearing have confirmed their attendance.
- 9.5 The Sub-Committee will now need to consider whether to grant this application as applied for or as a result of the received representations, refuse the application or grant the application 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 to be consumed OFF the premises.



## **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 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 persona 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.

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### **Financial implications:**

The only financial implication is if an appeal is lodged against the decision made, with the possibility of court costs.

### **Legal implications:**

The legal framework is set out within the report and requires no further comment.