

Agenda

Licensing Sub-Committee

Date: **Friday 2 October 2026**

Time: **10.00 am**

Place: **Online meeting / Conference Room 2 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans on 01432383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing Sub-Committee

Membership

Councillor Polly Andrews (Chairperson)

Councillor Dave Davies

Councillor Peter Hamblin

Agenda

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PUBLIC INFORMATION		
THE NOLAN PRINCIPLES		
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interest in respect of items on the agenda.	
4.	APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF FALAFEL HEREFORD LTD, 26 COMMERCIAL STREET, HEREFORD, HR1 2DE - LICENSING ACT 2003 To consider an application for a grant of a premises licence in respect Falafel Hereford Ltd, 26 Commercial Street, Hereford, HR1 2DE under the Licensing Act 2003.	11 - 76

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YOU HAVE A RIGHT TO: -

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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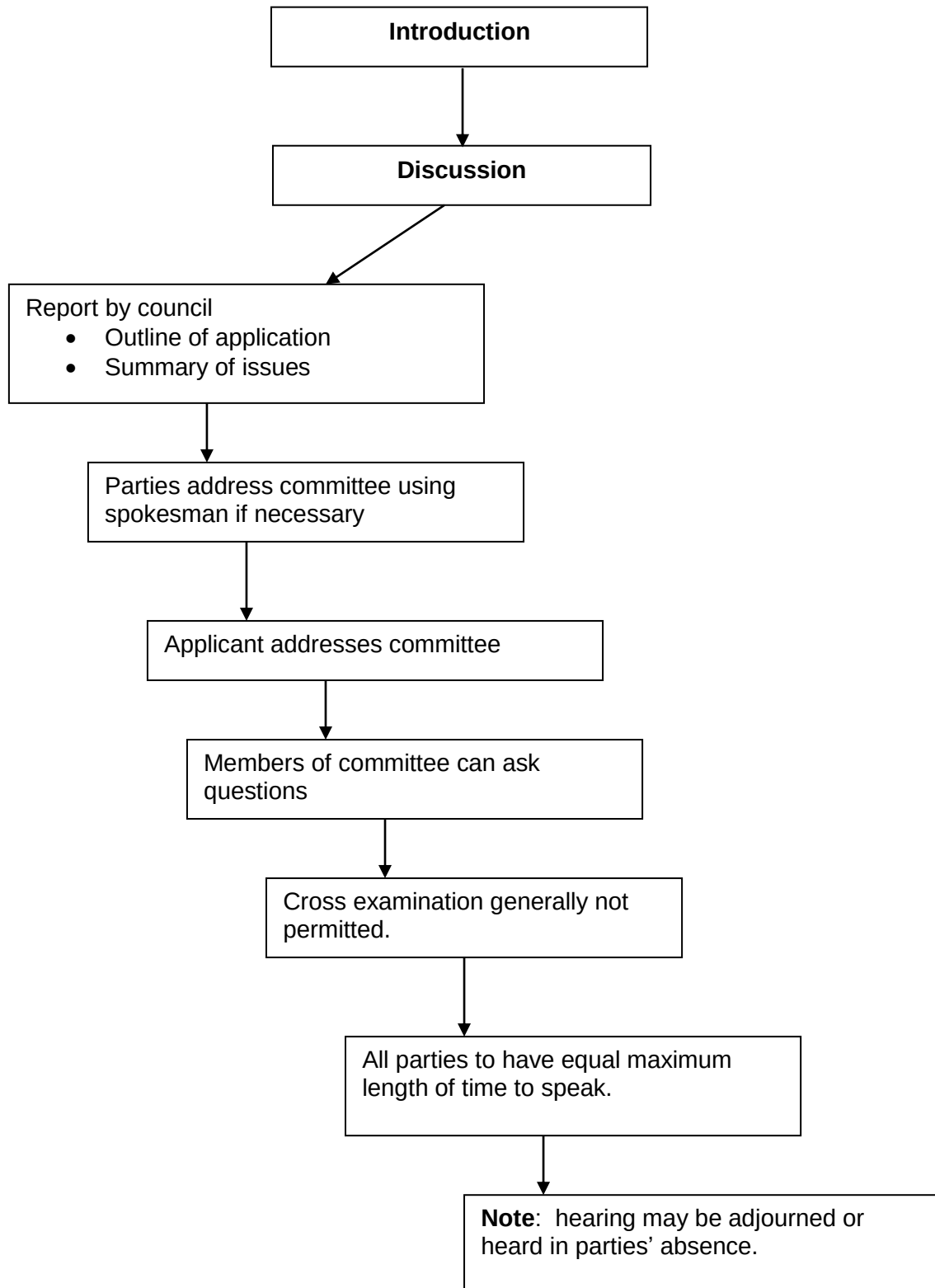
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Licensing Hearing Flowchart



The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Application for a grant of a premises licence in respect of Falafel Hereford Ltd, 26 Commercial Street, Hereford, HR1 2DE – Licensing Act 2003

Meeting: Licensing Sub-Committee

Meeting date: Friday 2 October 2026 at 10:00hrs

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Central

Purpose

To consider an application for a grant of a premises licence in respect Falafel Hereford Ltd, 26 Commercial Street, Hereford, HR1 2DE under the Licensing Act 2003.

Recommendation(s)

That:

The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003 (appendix 5), and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025 (model conditions appendix 6)

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003 (*appendices 7 & 8*)

Alternative options

1. There are a number of options open to the sub-committee:
 - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
 - b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
 - c) Grant the licence subject to conditions that are consistent with the operating schedule and reduced operating hours where the Sub-Committee considers such modifications to be appropriate for the promotion of the licensing objectives,
 - d) Grant the licence subject to modified conditions to that of the operating schedule and reduced operating hours where the Sub-Committee considers such modifications to be appropriate for the promotion of the licensing objectives
 - e) To refuse the application

Key considerations

Licence Application

2. The application for the grant of a premises licence has received relevant representations and is therefore brought before the sub-committee for determination.
3. Herefordshire Council Statement of Licensing Policy 2020 to 2025 states “All representation must be ‘relevant’, for example they must be about the likely effect of the grant of the application”. This followed paragraph 8.57 in the s182 Guidance which uses the same wording.
4. The details of the application are:

Applicant	Falafel Hereford Ltd
Agent	Not applicable

Type of application:	Date received:	28 Days consultation ended:
Grant	14 August 2026 28 day consultation started: 15 August 2026	11 September 2026

Summary of Application

5. The application (appendix 1) requests a new premises licence for the following licensable activities

Late Night Refreshment (Indoors)

Sunday – Thursday 23:00 – 02:00

Friday – Saturday 23:00 – 03:00

Bank Holiday weekends and New Year's Eve 23:00 – 03:00

Late Night Refreshment (sale/supply of hot food and/or hot drinks) is only applicable between Monday - Sunday 23:00 – 05:00

Summary of Representations

6. One (1) representation was received from a Responsible Authority. The Licensing Authority as a Responsible Authority proposed conditions to promote the four (4) licensing objectives, which the applicant agreed (appendix 2)
7. One (1) relevant representation was received from a member of the public, which the licensing authority accepted as being relevant. The representation can be found at Appendix 3.
8. The member of the public raised concerns that the proposed late-night refreshment hours, extending until 02:00hrs, Sunday to Thursday and 03:00hrs Friday and Saturday, are excessive for a mixed-use building and would result in increased noise, disturbance and the potential for anti-social behaviour, adversely affecting residential amenity and quality of life. A further submission included evidence of music allegedly audible within the resident's flat at approximately 22:30hrs with concerns expressed that any extension of operating hours would exacerbate existing noise issues.
9. The premises is located within Hereford city centre on Commercial Street, a busy mixed-use commercial area characterised by retail units, restaurants, takeaways, licensed premises and other town centre businesses. The locality experiences significant pedestrian activity throughout the day and into the evening, particularly in connection with the city's night-time economy, with residential accommodation also present within and adjoining parts of the city centre.
10. The applicant has submitted a written representation in support of the application, confirming that they would not be attending the hearing. They stated that the premises operates as a food takeaway business and not as a nightclub, bar, or entertainment venue, with no live

entertainment, DJs or music-led activities. The applicant submitted that the proposed extension of opening hours is intended solely to allow the continued sale of food later into the evening and that the premises should not be associated with the level of noise and disturbance typically linked to late-night entertainment venues. The applicant also highlighted that the premises is located within an established town-centre night-time economy, noting the presence of nearby businesses operating into the early hours, including other late-night food outlets and licensed premises. It was argued that, in this context, the operation of the premises during extended hours would not in itself be likely to generate the level of noise, disturbance or anti-social behaviour suggested by the public objection. The applicant acknowledged residents' concerns, confirmed they take the licensing objectives seriously, and indicated a willingness to take reasonable steps to minimise noise and disturbance from customers (appendix 4).

Community impact

11. Any decision may have an impact on the local community.

Environmental Impact

12. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. There are no equality issues in relation to the content of this report.
 15. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
 16. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person

is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Resource implications

17. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council.

Financial implications

18. There are unlikely to be any financial implications for the council as licensing authority at this time.

Legal implications

19. As relevant representations have been received, the sub-committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub-committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
20. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
21. The sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
22. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
23. A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
24. Furthermore, the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
25. This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

26. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

27. Schedule 5, Part 1, Section 1 of the Licensing Act 2003 gives a right of appeal which states:

Rejection of applications relating to premises licences

- (1) Where a licensing authority-

- (a) Rejects an application for a premises licence under section 18,

The applicant may appeal against the decision.

Schedule 5, Part 1, Section 2 of the Licensing Act give a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

28. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk management

29. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

30. All responsible authorities and members of the public living within Herefordshire.

Appendices

Appendix 1 – Application form
Appendix 2 – Licensing Authority representation
Appendix 3 – Public representation
Appendix 4 – Statement of applicant
Appendix 5 – Relevant sections of Section 182 Guidance
Appendix 6 – Herefordshire Council model pool of conditions
Appendix 7 – Licensing Act 2003 – Section 17
Appendix 8 – Licensing Act 2003 – Section 18

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

None Identified

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
☐ Yes ☒ No		

Applicant Details

* First name	Murat
* Family name	Polat
* E-mail	
	code.
Other telephone number	
☐ Indicate here if you would prefer not to be contacted by telephone	

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?	☒ Yes ☐ No	Note: completing the Applicant Business section is optional in this form.
Registration number	16248566	
Business name	FALAFEL HEREFORD LTD	If your business is registered, use its registered name.
VAT number	-	Put "none" if you are not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

LTD

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Other telephone number

* Date of birth
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises is an existing hot food takeaway located within Hereford. The business provides freshly prepared hot food for takeaway and delivery only. No alcohol will be sold or supplied from the premises, and no regulated entertainment is proposed. The premises comprises a customer ordering and waiting area, a food preparation and cooking area, storage facilities, staff welfare facilities and associated service areas. The proposed application is solely to permit the provision of late night refreshment until 3:00 am. The premises will continue to operate as a takeaway. Appropriate management

Continued from previous page...

measures, including CCTV, staff supervision, regular waste management and customer notices requesting patrons to leave quietly, will be in place to promote the licensing objectives and minimise any impact on neighbouring properties

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing performances of dance?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The licensable activity applied for is the provision of Late Night Refreshment (indoors) under the Licensing Act 2003. The premises operates as a hot food takeaway providing freshly prepared food for collection and delivery. No alcohol will be sold or supplied, and no regulated entertainment, including live or recorded music, is proposed as part of this application

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None. The proposed operating hours will remain the same throughout the year.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Bank Holiday weekends and On New Year's Eve, the provision of late night refreshment will continue until 03:00 hours

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes ☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor
☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Bank Holiday weekends and On New Year's Eve, the provision of late night refreshment will continue until 03:00 hours

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises will be operated in a responsible manner to promote the four licensing objectives under the Licensing Act 2003. Management and staff will be trained in the licence conditions and operating procedures. The premises will be maintained in a clean, safe and orderly condition at all times. Appropriate management procedures will be implemented to minimise disturbance to neighbouring properties and to ensure the safety of customers and staff. The licence holder will work with the responsible authorities where necessary and review procedures regularly to ensure compliance with all licence conditions.

b) The prevention of crime and disorder

A digital CCTV system will be installed covering the customer entrance, serving counter and external frontage where practicable. CCTV recordings will be retained for a minimum of 31 days and made available to the Police or authorised officers upon request. Adequate lighting will be provided at the entrance and exit. Staff will be trained to manage difficult situations and refuse service where appropriate. The premises will operate a zero-tolerance policy towards violence, abusive behaviour and anti-social behaviour. Any incidents of crime or disorder will be recorded and reported to the appropriate authorities where necessary.

c) Public safety

Fire safety equipment will be maintained and regularly inspected. Emergency exits and escape routes will be kept unobstructed at all times. The premises will comply with all relevant fire safety, food hygiene and health and safety legislation. Staff will receive appropriate health and safety training. The premises will be kept in a clean and safe condition for customers and employees. First aid equipment will be available on site.

d) The prevention of public nuisance

Clear notices will be displayed requesting customers to leave the premises quietly. Staff will monitor customer activity outside the premises, particularly during the later operating hours. Delivery drivers will be instructed not to leave vehicle engines idling and to minimise noise when collecting orders and will be limited to 01.00am only. Waste and recycling will be managed responsibly and collections arranged during normal daytime hours wherever practicable. The kitchen extraction and ventilation system will be regularly maintained to minimise noise and odour. No loudspeakers or amplified music will be provided outside the premises. The premises will operate primarily as a takeaway and delivery service, minimising the time customers spend outside the premises.

e) The protection of children from harm

Continued from previous page...

Children under the age of 16 will be expected to be accompanied by a responsible adult during the late evening where appropriate. Staff will remain vigilant to safeguard children and will contact the appropriate authorities if any concerns arise regarding a child's welfare. No alcohol will be sold or supplied from the premises. The premises will maintain a safe environment for all customers and staff.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Please visit the 'Premises Licence' webpage on Herefordshire Council's website (www.herefordshire.gov.uk) for the details of the application fee required

* Fee amount (£)

100.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I

* understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or

* her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Murat Polat

* Capacity

Director

* Date

16 / 07 / 2026
dd mm yyyy

Add another signatory

Continued from previous page...

- Once you're finished you need to do the following:
- 1. Save this form to your computer by clicking file/save as...
 - 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

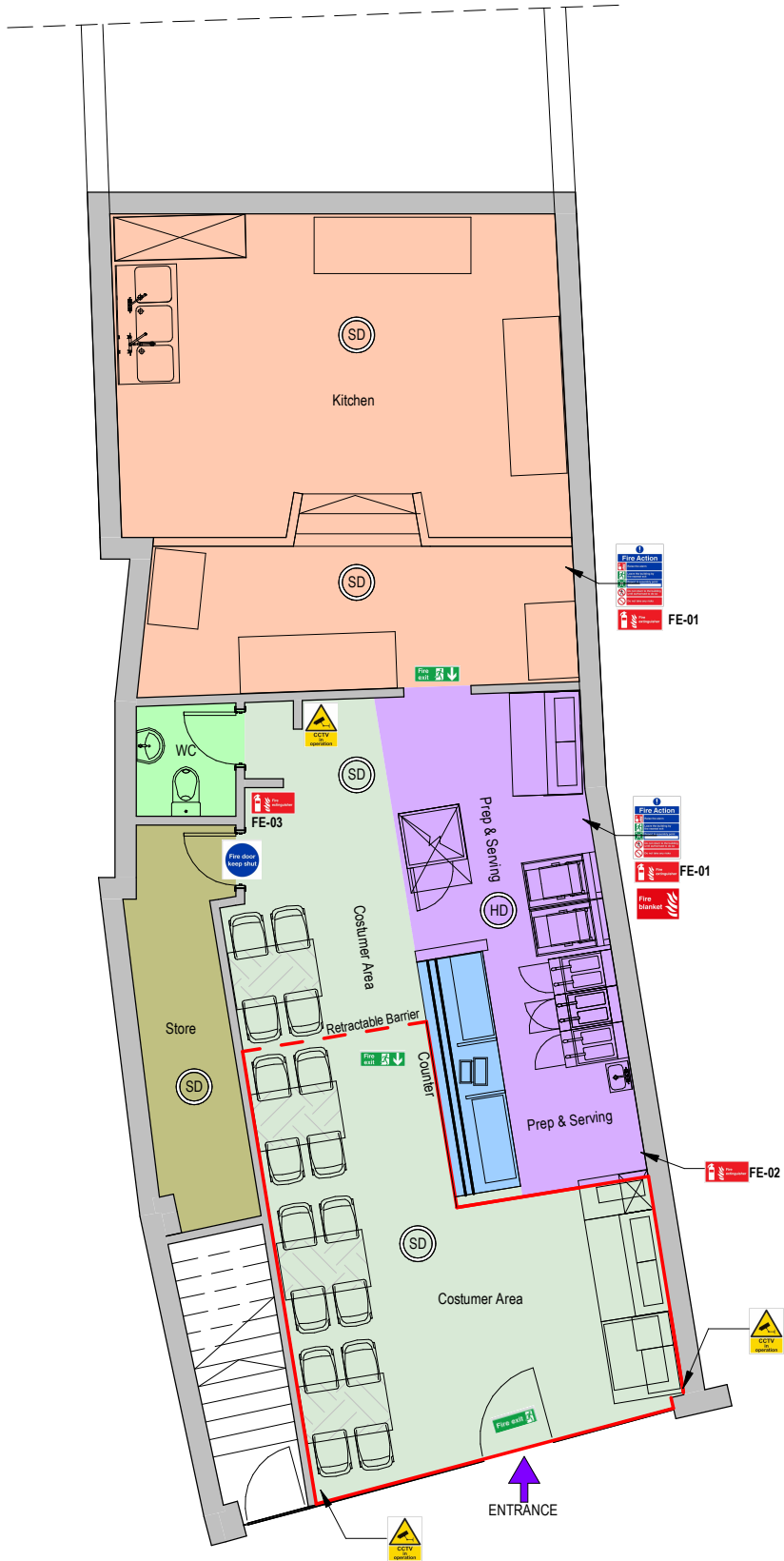
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	☐

00 - GA Ground Floor
Scale: 1 : 100



Area Plan Schedule

- Counter
- Costumer Area
- Kitchen
- Prep & Serving
- Gender Neutral WC
- Store

Fire Safety Symbols

- Fire Door Keep Shut sign - displayed on each side of all doors to ensure safety
- Fire Exit sign - displayed along all designated fire escape routes (indicating direction of travel) and above all emergency exits (without arrows)
- Fire Extinguisher Sign Class F / Wet Chemical Extinguisher
Displayed next to fire extinguisher to easily identify the location
- Fire Extinguisher Sign CO2 Extinguisher
Displayed next to fire extinguisher to easily identify the location
- Fire Extinguisher Sign Dry powder or water Extinguisher
Displayed next to fire extinguisher to easily identify the location
- Fire Blanket - Where a fire extinguisher may not be appropriate or safe to use and is designed to smother a fire, cutting the supply of oxygen
- Fire Action Plan - displayed on wall in communal area to provide essential information regarding action to be taken in the event of a fire
- CCTV - recording throughout the shop as a constant, visual reminder and to help prevent unwanted criminal activity
- A smoke detector with an alarm
- A Heat detector with an alarm
- ENTRANCE - Main entrance and exits
- Licensable Zone
- Licensable Zone - Area to be marked with a wall-mounted retractable barrier with twin red 'No Entry' belts during licensed activities

- GENERAL DRAWING NOTES:
- This drawing is the property of KSD Architecture and must not be reproduced or distributed to any third party without written consent. Scaling from this drawing is not recommended, and any discrepancies found should be reported to KSD Architecture Ltd immediately.
 - This drawing is issued for the purpose indicated in the title block only and should not be used for any other purpose.
 - All dimensions must be checked on-site prior to commencement of works.
 - Any discrepancies, errors, or omissions identified in this drawing should be reported to the designer immediately.
 - This drawing should be read in conjunction with all other project documentation, including but not limited to specifications, schedules, and consultant or subcontractor information.
 - This drawing represents design intent and does not substitute for specialist design, structural verification, or construction approvals.
 - The contractor is responsible for ensuring compliance with all applicable regulations, standards, and statutory requirements.
 - Any unauthorized reproduction, alteration, or misuse of this drawing is prohibited.
 - All structural, mechanical, electrical, and specialist design aspects are to be checked and coordinated with relevant consultants prior to construction.
 - No construction work is to begin on-site until all pre-construction conditions, planning permissions, and necessary approvals are fully discharged. Any work started without such approvals is at the sole risk of the client.
 - The contractor shall provide as-built drawings showing all modifications and deviations from the original plans at the completion of construction
 - It is the contractor's responsibility to ensure that appropriate site-specific risk assessments and safe systems of work are in place to address any residual risks identified.

P4	fire extinguishers key updated, licensable area marked	KG	13.08.2026
P3	Plan is updated, FF&E added with additional key informations	KG	30.07.2026
Rev	Description	Rev'd	Date

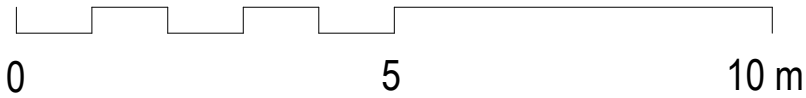


12 Cathedral Rd, Pontcanna, Cardiff CF11 9LJ United Kingdom

PROJECT TITLE :
26 Commercial Street, Hereford,
HR1 2DE

DRAWING TITLE :
Ground Floor Shop Plan

PREMISES LICENCE			
DRAWING NUMBER	KSD1056-XX-XX-DR-A 01000		
SCALE:	1 : 100 @ A3		
DRAWN BY:	SDD	CHECKED BY:	KG
DATE:	15.07.2026	REVISION:	P4





Local Authority Representation
FALAFEL HEREFORD LTD
26.08.2026

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a Grant of a premises licence in respect of Falafel Hereford Ltd with consultation ending 14 September 2026

The Licensing Authority as a Responsible Authority do not object to this application, however they have the following representations to promote the licensing objectives and wish to see them applied to any premises licence granted to this location

The Prevention of Crime and Disorder

The Premises Licence Holder shall install and maintain a CCTV system at the premises giving coverage at all entry points and areas to which customers have access.

The CCTV system shall provide clear images in all lighting conditions.

The CCTV system shall continuously record whilst the premises are open for licensable activities and shall be capable of providing frontal identification of customers.

All CCTV recordings shall be retained for a minimum of 31 days and shall be date and time stamped.

A member of staff shall always be present on the premises whilst they are open who is capable of operating the CCTV system and able to facilitate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.

In the event of technical failure of the CCTV equipment a shift manager MUST report the failure to the Police on contact number 101 immediately and the licensing authority on licensing@herefordshire.gov.uk

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any visit by a relevant authority or emergency service

The premises licence holder will ensure that a minimum of 2 (two) SIA registered door supervisors will be employed at the premises on, Fridays, Saturdays, and the Sundays before a Bank Holiday Monday, on Christmas Eve and New Year's Eve and on the evenings preceding all other Bank Holiday's from 23:00 until the end of licensable activities.

When employed externally door staff shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.

At all other times, the Premises Licence Holder or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

The Premises Licence Holder or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

No open containers containing alcohol shall be permitted on the premises at any time. Any alcohol brought onto the premises by customers shall be in a sealed and unopened container.

Public Safety

All staff shall wear clothing which identifies them as members of staff of the premises

Prevention of Public Nuisance

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.

Adequate refuse containers shall be located in the premises. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.

The shift manager will ensure that the area immediately outside the premises is regularly checked for litter during operating hours and that any litter found is disposed of appropriately

Protection of Children from Harm

No person under the age of 18 years shall be on the premises after 22:00hrs unless accompanied by an adult aged 18 years or over.

Regards

Licensing Officer
Herefordshire Council
Licensing Section, Herefordshire Council
Plough Lane, Hereford. HR4 0LE
Tel: 01432 261761
Email: licensing@herefordshire.gov.uk



From: [REDACTED]
Sent: 23 August 2026 13:39
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Subject: Representation regarding Premises License Application - Falafel Hereford Ltd, 26 Commercial Street, Hereford

Dear Licensing Section,

I am writing to formally object to the application for a premises license for Falafel Hereford Ltd at 26 Commercial Street.

As a resident living directly above the property, I am deeply concerned about the proposed late-night refreshment hours, which are until 2 am Monday to Thursday and 3 am Friday to Sunday.

These hours are excessive for a mixed-use building and will lead to an unacceptable increase in noise, disturbance, and the potential for anti-social behavior late at night. This will severely impact my quality of life and the quiet enjoyment of my home.

I request that this application be refused.

[REDACTED]
Sincerely,
[REDACTED]

From: [REDACTED]
Sent: 01 September 2026 22:55
To: Licensing <licensing@herefordshire.gov.uk>
Subject: 26 commercial Street

Dear Sir/Madam,

I am writing to bring to your attention a matter concerning noise disturbance from the premises below my residence. Attached is a video recorded at approximately 10:30 p.m., which captures the significant volume of music emanating from the shop, audible within my flat.

The management has recently proposed extending the operating hours of the establishment until 2–3 a.m., and I am concerned that this change may exacerbate the noise issue, further impacting my quality of life and potentially affecting my mental well-being.

Also with respect, I would like to say restaurants and takeaways such as McDonald's, Pepe's, and Burger King all close by 11:00 p.m., which appears to help mitigate concerns regarding antisocial behavior associated with late-night operating hours. I sincerely hope you will consider these matters in your deliberations.

Kind regards,
[REDACTED]

From: XXXXXXXXXX

Sent: 16 September 2026 18:39

To: Licensing <licensing@herefordshire.gov.uk>

Subject: Premises Licence Application - 25 Commercial Street, Hereford

Dear Licensing Team,

I am writing in relation to the premises licence application for Falafel Hereford Ltd at Commercial Street, Hereford, and the representations made regarding the proposed extension of the opening hours.

I confirm that I will not be attending the hearing, and I would therefore be grateful if this email could be considered as my written response.

I have carefully considered the concerns raised, particularly the suggestion that the proposed later opening hours could result in excessive noise, disturbance and anti-social behaviour.

I would like to make clear that the nature of my business is fundamentally different from a nightclub, bar or entertainment venue. My business is a food/takeaway premises. It does not operate as a nightclub, does not provide live entertainment or DJs, and is not a venue whose primary purpose is music or late-night drinking. As such, I do not believe that the nature of my business is one that would reasonably be expected to generate the level of noise suggested in the representation.

I also think it is important that the application is considered in the context of the existing late-night environment immediately surrounding the premises.

There are already a number of businesses in the immediate area that operate late into the night. For example, Pepe's at 21 Commercial Street currently advertises opening until midnight Sunday–Thursday, 1:00 a.m. on Fridays and 2:00 a.m. on Saturdays.

There is also The Kerry, a late-night bar/nightlife venue in very close proximity to my premises. The Kerry's own website states that it is open seven nights a week until 2:00 a.m., and describes its main room as having resident DJs and music running until 2:00 a.m. every night.

The existence of such late-night premises in the immediate vicinity is relevant when considering whether my food business operating later would, in itself, be likely to create the level of noise or disturbance suggested in the objection. The surrounding area is already an established town-centre location where customers, nightlife and late-night businesses operate.

I also wish to emphasise that I am not seeking to operate my premises as an entertainment venue. The purpose of extending the hours is to allow the food business to continue serving customers later into the evening/night. The business activity itself is therefore substantially

different from that of a nightclub or music venue.

I fully understand the concerns of residents and I take the licensing objectives seriously. I am willing to take reasonable measures to ensure that the premises are operated responsibly, including taking reasonable steps to minimise unnecessary noise and disturbance from customers leaving the premises.

I have also noted the comments in the representation regarding other businesses in the area and their opening hours. However, I respectfully ask that my application is considered on the basis of the actual nature and operation of my own premises, rather than assuming that a later closing time for a food business would result in the same type or level of disturbance associated with a late-night entertainment venue.

As I will not be attending the hearing, I am providing these comments in writing and respectfully ask the Licensing Team to take them into account alongside all other representations received.

I am content for the Licensing Team to consider the consultation responses, the nature of the premises, the surrounding businesses and all relevant circumstances before reaching its decision.

Thank you for considering my written response.

Kind regards,



Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

February 2026

Revised Guidance issued under section 182 of the Licensing Act 2003

February 2026



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Any enquiries regarding this publication should be sent to us at The Alcohol Team, The Home Office, 5th Floor, Fry Building (North West), 2 Marsham Street, London, SW1P 4DF. Email: AlcoholTeam2@homeoffice.gov.uk

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Applying conditions to a TEN

- 7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
 - if that objection has not been withdrawn;
 - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
 - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.39 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Duty of premises users to keep and produce TENs

- 7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014³.

8. Applications for premises licences

Relevant licensing authority

- 8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.
- 8.2 Section 13 of the 2003 Act defines the parties holding important roles in the context of applications, inspection, monitoring and reviews of premises licences.

Authorised persons

- 8.3 The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police and immigration officers are not included because they are separately empowered by the 2003 Act to carry out their duties.
- 8.4 For all premises, the authorised persons include:
- officers of the licensing authority;
 - fire inspectors;

³ For further guidance on the closure power under the 2014 Act, please refer to:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

- inspectors with responsibility in the licensing authority's area for the enforcement of the Health and Safety at Work etc Act 1974;
- officers of the local authority exercising environmental health functions

- 8.5 Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.
- 8.6 Where an immigration officer has reason to believe that any premises are being used for a licensable activity, the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the licensable activity.

Responsible authorities

- 8.7 The second group –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives. For all premises, responsible authorities include:
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
 - the chief officer of police;
 - the local fire and rescue authority;
 - the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
 - the local authority with responsibility for environmental health;
 - the local planning authority;
 - a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
 - each local authority's Director of Public Health (DPH) in England⁴ and Local Health Boards (in Wales);
 - the local weights and measures authority (trading standards); and
 - Home Office Immigration Enforcement (on behalf of the Secretary of State).
- 8.8 The licensing authority should indicate in its statement of licensing policy which body it recognises to be competent to advise it on the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or another competent body. This is important as applications for premises

⁴ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

licences have to be copied to the responsible authorities in order for them to make any representations they think are relevant.

- 8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.
- 8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make “nil” returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.
- 8.11 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.
- 8.12 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government’s legislation website: www.legislation.gov.uk.

Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.
- 8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a

Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Who can apply for a premises licence?

- 8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.
- 8.16 “A person” in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.
- 8.17 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(1)(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. Where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in accountability.
- 8.18 A public house may be owned, or a tenancy held, jointly by a husband and wife, civil partners or other partnerships of a similar nature, and both may be actively involved in carrying on the licensable activities. In these cases, it is entirely possible for the husband and wife or the partners to apply jointly as applicant for the premises licence, even if they are not formally partners in business terms. This is unlikely to lead to the same issues of clouded accountability that could arise where two separate businesses apply jointly for the licence. If the application is granted, the premises licence would identify the holder as comprising both names and any subsequent applications, for example for a variation of the licence, would need to be made jointly.
- 8.19 A wide range of other individuals and bodies set out in section 16 of the 2003 Act may apply for premises licences. They include, for example, Government Departments, local authorities, hospitals, schools, charities or police forces. In addition to the bodies listed in section 16, the Secretary of State may prescribe by regulations other bodies that may apply and any such regulations are published on the Government’s legislation website. There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.

Application forms

- 8.20 The Provision of Services Regulations 2009 require local authorities to ensure that all procedures relating to access to, or the exercise of, a service activity may be easily completed, at a distance and by electronic means. Electronic application facilities for premises licences may be found either on GOV.UK or the licensing authority’s own website. It remains acceptable to make an application in writing.

Electronic applications

- 8.21 Applicants may apply using the licence application forms available on GOV.UK, or will be re-directed from GOV.UK to the licensing authority’s own electronic facility if one is available. Applicants may also apply directly to the licensing authority’s facility without going through GOV.UK.

Electronic applications using forms on gov.uk

- 8.22 GOV.UK will send a notification to the licensing authority when a completed application form is available for it to download from GOV.UK. This is the day that the application is taken to be 'given' to the licensing authority, even if it is downloaded at a later stage, and the application must be advertised from the day after that day (as for a written application). The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.
- 8.23 The period of 28 consecutive days during which the application must be advertised on a notice outside the premises is, effectively, the statutory timescale by which the application must be determined (unless representations are made). This will be published on GOV.UK and must also be published on the licensing authority's own electronic facility if one exists. If no representations are made during this period, the licensing authority must notify the applicant as quickly as possible that the licence has been granted. The licensing authority must send the licence to the applicant as soon as possible after this, but the applicant may start the licensed activity as soon as they have been notified that the application is granted (subject to compliance with the conditions of the licence). The licence may be supplied in electronic or written format as long as the applicant is aware which document constitutes 'the licence'. If representations are made, the guidance in Chapter 9 applies.

Requirement to copy application to responsible authorities

- 8.24 The licensing authority must copy electronic applications, made via GOV.UK or its own facility, to responsible authorities no later than the first working day after the application is given. However, if an applicant submits any part of their application in writing, the applicant will remain responsible for copying it to responsible authorities.

Applications via the local authority electronic application facility

- 8.25 Where applications are made on the licensing authority's own electronic facility, the application will be taken to be 'given' when the applicant has submitted a complete application form and paid the fee. The application is given at the point at which it becomes accessible to the authority by means of the facility. The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.

'Holding' and 'deferring' electronic applications

- 8.26 The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority's possession. However, if this is not the case and required information is missing or incorrect, the licensing authority may 'hold' the application until the applicant has supplied all the required information. This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete. Licensing authorities must ensure that they notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.
- 8.27 If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. It is therefore recommended that, if a

licensing authority holds an application, it should inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. The licensing authority should also advise the applicant that they should not advertise the application in a local newspaper until they have received confirmation from the licensing authority that the application includes all the required information. To ensure clarity for applicants, the Government recommends that licensing authorities include similar advice on their electronic application facilities (where these exist) to ensure that applicants do not incur any unnecessary costs.

- 8.28 If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.
- 8.29 Licensing authorities may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the licensing authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing. Licensing authorities must ensure that applicants are informed as quickly as possible of a decision to defer, and the reasons for the deferral, before the original 28 days has expired.

Written applications

- 8.30 A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities. For example, it would not be appropriate to send an application for premises which was not a vessel to the Maritime and Coastguard Agency. The application must be accompanied by:
- the required fee (details of fees may be viewed on the GOV.UK website);
 - an operating schedule (see below);
 - a plan of the premises in a prescribed form; and
 - if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS).
- 8.31 If the application is being made by an individual it should be accompanied by acceptable evidence of entitlement to work in the UK (this includes where the application is submitted electronically), as set out in the application form ([see paragraph 4.9](#))
- 8.32 If the application is being made in respect of a community premises, it may be accompanied by the form of application to apply the alternative licence condition.
- 8.33 Guidance on completing premises licence, club premises certificate and minor variation forms can be found on the GOV.UK website. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 contain provision about the prescribed form of applications, operating schedules and plans and are published on the [legislation.gov.uk](https://www.legislation.gov.uk) website.

Plans

- 8.34 Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any

the copy, and if satisfied that in the exceptional circumstances of the case failure to cancel the interim authority would undermine the crime prevention objective, the police may give a notice to that effect to the licensing authority. Similarly, the Home Office (Immigration Enforcement) may give a notice to the licensing authority if satisfied that the exceptional circumstances of the case are such that failure to cancel the interim authority would undermine the prevention of illegal working in licensed premises. In such circumstances, the licensing authority must hold a hearing to consider the objection notice and cancel the interim authority notice if it decides that it is appropriate to do so for the promotion of the crime prevention objective.

- 8.108 Licensing authorities should be alert to the need to consider the objection quickly. Under section 50 of the 2003 Act, where the premises licence lapses (because of death, incapacity or insolvency of the holder or because the holder is no longer entitled to work in the UK) or by its surrender, but no interim authority notice has effect, a person who may apply for the grant of a premises licence under section 16(1) may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority. Where the application is made in writing, the person applying for the transfer must copy their application to the chief officer of police and the Home Office (Immigration Enforcement). If the application is made electronically the licensing authority must copy the application to the police and the Home Office (Immigration Enforcement).

Right of freeholders etc to be notified of licensing matters

- 8.109 A person (which will include a business or company) with a property interest in any premises situated in the licensing authority's area may give notice of their interest to the authority using a prescribed form and on payment of the relevant fee. The application may be made in writing or electronically via GOV.UK or the licensing authority's own facility, in which case the guidance at paragraphs 8.21 to 8.29 applies. Details of fees and forms are available on the GOV.UK website. It is entirely at the discretion of such persons whether they choose to register or not. It is not a legal requirement. Those who may take advantage of this arrangement include the freeholder or leaseholder, a legal mortgagee in respect of the premises, a person in occupation of the premises or any other person prescribed by the Secretary of State.
- 8.110 The notice will have effect for 12 months but a new notice can be given every year. While the notice has effect, if any change relating to the premises concerned has been made to the licensing register (which the licensing authority has a duty to keep under section 8 of the 2003 Act), the licensing authority must notify the person who registered an interest of the matter to which the change relates. The person will also be notified of their right under section 8 to request a copy of the information contained in any entry in the register. In cases relating to interim authority notices (see above), it is important that such communications are dealt with promptly.

9. Determining applications

General

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

Where no representations are made

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

Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from 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.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 9.12 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 area⁵. The police should usually

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol- related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has published a cumulative impact assessment) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing

officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH) or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.
- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.

- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, an area which is the subject of a cumulative impact assessment). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties; • this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

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

security concerns may be relevant. LGA Councillors Handbook

<https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales-0>

Case study from Manchester relating to use of licensing conditions

<https://www.local.gov.uk/case-studies/manchester-city-council-security-and-licensing>

Supporting links to wider counter terrorism measures which may be helpful for licenced premises and Local Authorities.

<https://www.protectuk.police.uk/first-aid-preparedness-organisations>

<https://www.protectuk.police.uk/advice-and-guidance/response/supporting-information-public-access-trauma-first-aid-kits>

PREVENTION OF CRIME

- PC1 CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.
A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.
Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.
The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **101** immediately.
- PC 2 On Fridays and Saturdays ?????, Three (3) ????? SIA Licensed Door staff shall be employed at the premises as shown below until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.
Duties: One (1) Door-staff shall commence duty at 2200 hrs.
Two (2) further Door-staff shall commence duty at 2300 hrs when the premises operate for licensable activities.
After 2300 hrs - Two (2) SIA Licensed Door-staff shall be deployed at the main access and egress point(s) until the termination of licensable activities.
One (1) Licensed Door-staff shall be deployed patrolling the internal licensable area until the termination of all licensable activities
- PC3 The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
- PC 4 The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

- PC 5 An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
- PC 6 Toughened/Polycarbonate/plastic containers shall be used at all times when the premises operate for licensable activities. In the event that toughened/polycarbonate/plastic bottles cannot be provided by the suppliers, then all drinks will be dispensed and served in toughened/polycarbonate/plastic containers.
- PC 7 A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol.
- PC 8 The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
- PC 9 All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training package equivalent to BIIAB level within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- PC 10 All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:
- Drugs Awareness
 - Conflict resolution
 - Selling to under age person
 - Selling to drunks
- Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- PC 11 No admission for new customers will be allowed to the premises after 0100 hrs ?????. Only existing patrons whose hand has been stamped by a member of staff – who step outside (i.e. smoking) will be allowed to return after that time.

- PC 12 Signage in not less than 32 font shall be clearly displayed prominently at the point of access to the premises in relation to the Admission Policy, Age Policy, Drug Policy, and Dress Policy.
- PC 13 The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.
- PC 14 A secure disposal bin will be sited adjacent to the main access/egress door to facilitate disposal of glasses and bottles.
- PC 15 A drug safe shall be provided at the premises. This shall be kept locked at all times. The keys securing the safe shall be held by the premises licence holder or authorised (in writing) duty manager/head door person and shall not be accessed by any other person. A policy in relation to the seizure and disposal of drugs shall be written down and kept at the premises. Such policy shall have meet with the agreement of the local police licensing officer for the area and be signed off by them. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police.
- PC 16 A safe shall be provided at the premises for the storage of knives and other seized illegal items. This shall be kept locked at all times. The keys securing the safe shall be held by the premises licence holder or authorised (in writing) duty manager/head door person and shall not be accessed by any other person. A policy in relation to the seizure and disposal of drugs shall be written down and kept at the premises. Such policy shall have meet with the agreement of the local police licensing officer for the area and be signed off by them. The policy shall be produced on demand of an authorised person.
- PC 17 No open containers will be removed from the premises.

PUBLIC SAFETY

- PS1 All staff shall wear clothing which identifies them as members of staff of the premises.
- PS2 A system shall be in place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police.
- PS3 Cylinders or containers of gas under pressure, other than Cellar Gases¹, shall not be used on the premises unless written notification has been given to the Licensing Authority.
- PS4 First aid
A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
1 x Guidance Leaflet
60 x Washproof Plasters
6 x Eye Pads with Bandage
8 x Triangular Bandages
12 x Safety Pins

¹ Cellar Gases are those gases that are used in connection with beers, lagers and the like.

16 x Assorted Sterile Dressings
20 Moist Wipes
3 Pairs Disposable Gloves

- PS6 An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]

Electrical & Gas Installations

- PS7 All electrical wiring and distribution systems shall have a current safety certificate which has been signed off by a competent person who is either registered with the ECA (<https://www.eca.co.uk/>) or NICEIC (<http://www.niceic.com/>) The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
- PS8 All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.
- PS9 The residual circuit device shall be tested at least once a week and a record of this check shall be kept at the premises.
- PS10 Any and all gas appliances (except cellar gas) used in the premises must have a current safety certificate signed off by a competent person whose name appears within the current Gas Safety register (GSR) <https://www.gassaferegister.co.uk/> . The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Hypnotism

- PS11 The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

Maintenance, Repair and Cleanliness

- PS12 All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

Special Effects

- PS13 The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be

made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

- PS14 Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without notify the Licensing Authority in writing.
- PS15 The use of foam shall not be permitted without prior notification, in writing, to the Licensing Authority.

Disabled people

- PS16 When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
- PS17 Disabled people on the premises must be made aware of the evacuation procedure.
- PS18 All exits doors must be capable of being opened without the use of a key, card, code or similar means.
- PS19 Doors must be checked at least every 24 hours to ensure that they are capable of being opened. A record of this check shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
- PS20 Any security fastenings fitted to any escape doors/routes must removed prior to the premises being opened to the public.
- PS21 Lighting
In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely.
- PS22 Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.
- PS23 Curtains, hangings, decorations and upholstery
No curtain, temporary decoration or item of a similar description shall obstruct any exit.
- PS24 Capacity limits
The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

- PS25 The capacity limit for the premises shall be: 100
- PS26 Access for emergency vehicles
Access for emergency vehicles is kept clear and free from obstruction.
- PS27 Indoor sports entertainments
An appropriately qualified medical practitioner who is registered with the General Medical Council (GMC) shall be present throughout any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- PS28 A medicinal supply of oxygen shall be immediately available on site and located close to ring.
- PS29 Any ring shall be supplied by a company whose business involves the construction of the same. Such business shall be registered at Companies House. A sign off certificate shall be used prior to its first use to state that the ring has been constructed in accordance with the manufactures instructions. The certificate shall be made available on demand to the police or an authorised person (as defined by Section 13 of the Licensing Act 2003).
- PS31 At any wrestling/boxing or other entertainments of a similar nature, members of the public shall not be seated within 2.5 metres of the ring.

Prevention of Public Nuisance

- PN1 All windows will be kept shut after 2300 hours.
- PN2 Noise or vibration shall not emanate from the premises so as to cause a nuisance.
- PN3 The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- PN4 All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.
- PN5 Live or Recorded music shall be restricted to the area marked on the premises plan
- PN6 Any speaker within the premises shall be directed away from any residential property
- PN7 Acoustic curtains shall be installed over all windows/doors and kept closed during times that the premises provide regulated entertainment
- PN8 All external doors shall be fitted with rubber seals to prevent noise breakout
- PN9 'Noise' from the premises must not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded

or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.

- PN10 Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least xxxxx hour/minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.
- PN11 Any musical amplification system/equipment located at the premises, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured. The keys securing the noise limiter cabinet shall be held by the premises licence holder or authorised (in writing) manager only, and shall not be accessed by any other person.
- PN12 Loudspeakers shall not be located in the entrance lobby or external to any part of the premises.
- PN13 Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
- PN14 Outside tables and chairs shall be rendered unusable by 23.00 each day.
- PN15 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- PN16 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.
- PN17 The use of explosives, pyrotechnics and fireworks of a similar nature shall not be used at the premises without written notification to the Licensing Authority.
- PN18 No waste such as bottles or refuse shall be placed outside the premises between 10pm hours and the end of licensable activities.

Noxious smells

- PN19 No noxious smell emanating from the premises shall cause a nuisance to nearby properties.

Light pollution

- PN20 Lighting outside premises including flashing lights shall not cause a nuisance to nearby properties, unless written consent has been obtained from the police to the effect that such lighting is necessary to promote the crime prevention objective.
- PN21 Recorded music volume shall not exceed LAeq 90 (5 min) 40 dba during the wind down period.
- PN22 The courtyard/garden shall not be used after 23:00 hours.
- PN23 No external area at the premises shall be used after 23:00 hours.
- PN24 The premises licence holder, or DPS, or nominated responsible person (in writing) shall ensure that noise and vibration does not emanate from the premises so as to cause a nuisance to any person residing in premises situated at

Protection of Children

- PCH1 No person under the age of 18 shall be permitted on the premises unless dining and accompanied by an adult aged 21 or over.
- PCH2 The premises shall operate a Challenge 21/25/30 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
- PCH3 A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- PCH4 No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).
- PCH5 No person under the age of 18 years shall be permitted to be on the premises other than a member of staff employed at the premises or a child of the premises licence holder or DPS.
- PCH6 No person under the age of 18 years shall be permitted to be on the premises after 2300 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS

PCH7 No person under the age of 18 years shall be permitted on the premises when adult entertainment is provided.

PCH8 No person under the age of 18 shall be permitted on the premises during the time that any drinks promotion is in place.



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Grant of premises licence

17 Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- (2) Subsection (1) is subject to regulations under—
 - (a) section 54 (form etc. of applications etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied—
 - (a) by an operating schedule,
 - (b) by a plan of the premises to which the application relates, in the prescribed form, and
 - (c) if the licensable activities to which the application relates (“the relevant licensable activities”) include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- (4) An “operating schedule” is a document which is in the prescribed form and includes a statement of the following matters—
 - (a) the relevant licensable activities,
 - (b) the times during which it is proposed that the relevant licensable activities are to take place,
 - (c) any other times during which it is proposed that the premises are to be open to the public,
 - (d) where the applicant wishes the licence to have effect for a limited period, that period,

Changes to legislation: Licensing Act 2003, Section 17 is up to date with all changes known to be in force on or before 06 August 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
 - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
 - (g) the steps which it is proposed to take to promote the licensing objectives,
 - (h) such other matters as may be prescribed.
- (5) The Secretary of State must by regulations—
- (a) require an applicant to advertise his application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the i ^{F1}persons who live, or are involved in a business, in the relevant licensing authority's area and who are] likely to be affected by it;
 - ^{F2}(aa) require the relevant licensing authority to advertise the application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”
and]
 - (b) ^{F3}
 - (c) prescribe the period during which ^{F4}responsible authorities and other persons] may make representations to the relevant licensing authority about the application.
- ^{F5}(6) The Secretary of State may by regulations—
- (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
 - (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.]

Textual Amendments

- F1** Words in s. 17(5)(a)(ii) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(3)(a)**, 157(1) (with [s. 105\(11\)](#)); S.I. 2012/1129, art. 2(d)
- F2** S. 17(5)(aa) inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(3)(b)**, 157(1) (with [s. 105\(11\)](#)); S.I. 2012/896, art. 2(a); S.I. 2012/1129, art. 2(d)
- F3** S. 17(5)(b) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(2)(a)** (with [regs. 2, 5](#))
- F4** Words in s. 17(5)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(3)(c)**, 157(1) (with [s. 105\(11\)](#)); S.I. 2012/1129, art. 2(d)
- F5** S. 17(6) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(2)(b)** (with [regs. 2, 5](#))

Changes to legislation: Licensing Act 2003, Section 17 is up to date with all changes known to be in force on or before 06 August 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

- II** S. 17(3)(b)(c)(4)(5) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 17 otherwise in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

Changes to legislation:

Licensing Act 2003, Section 17 is up to date with all changes known to be in force on or before 06 August 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 8(1A) inserted by 2025 c. 10 Sch. 4 para. 2(b)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 17(3)(b) word omitted by 2025 c. 10 Sch. 4 para. 3
- s. 17(3)(ba) inserted by 2025 c. 10 Sch. 4 para. 3
- s. 29(6)(ba) inserted by 2025 c. 10 Sch. 4 para. 4
- s. 71(4)(ba) inserted by 2025 c. 10 Sch. 4 para. 5
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)
- Sch. 3 Pt. 1 heading inserted by 2025 c. 10 Sch. 4 para. 6(3)
- Sch. 3 Pt. 2 inserted by 2025 c. 10 Sch. 4 para. 6(5)
- Sch. 3 Pt. 1 para. 1 words in Sch. 3 renumbered as Sch. 3 Pt. 1 para. 1 by 2025 c. 10 Sch. 4 para. 6(4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 8(1A) inserted by 2025 c. 10 Sch. 4 para. 2(b)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 17(3)(ba) inserted by 2025 c. 10 Sch. 4 para. 3
- s. 29(6)(ba) inserted by 2025 c. 10 Sch. 4 para. 4
- s. 71(4)(ba) inserted by 2025 c. 10 Sch. 4 para. 5
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)
- Sch. 3 Pt. 1 heading inserted by 2025 c. 10 Sch. 4 para. 6(3)
- Sch. 3 Pt. 2 inserted by 2025 c. 10 Sch. 4 para. 6(5)
- Sch. 3 Pt. 1 para. 1 words in Sch. 3 renumbered as Sch. 3 Pt. 1 para. 1 by 2025 c. 10 Sch. 4 para. 6(4)



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Grant of premises licence

18 Determination of application for premises licence

- (1) This section applies where the relevant licensing authority—
 - (a) receives an application for a premises licence made in accordance with section 17, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—
 - (a) such conditions as are consistent with the operating schedule accompanying the application, and
 - (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must—
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers [^{F1}appropriate] for the promotion of the licensing objectives.
- (4) The steps are—
 - (a) to grant the licence subject to—

Changes to legislation: Licensing Act 2003, Section 18 is up to date with all changes known to be in force on or before 05 August 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers [^{F2}appropriate] for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 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.
- (5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.
- (6) For the purposes of this section, “relevant representations” means representations which—
- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
 - (b) meet the requirements of subsection (7),
 - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
 - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).
- (7) The requirements of this subsection are—
- (a) that the representations were made by [^{F3}a responsible authority or other person] within the period prescribed under section 17(5)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by [^{F4}a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the authority determines for the purposes of subsection (7)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (9) The requirements of this subsection are that the representations—
- (a) were made by a chief officer of police for a police area in which the premises are situated, and
 - (b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.
- [^{F5}(9A) Where a London licensing authority is to hold a hearing in accordance with subsection (3) in relation to an application of potential strategic importance to Greater London, the authority must give to the Greater London Authority—
- (a) in advance of the hearing, specified information relating to the hearing within the specified period;
 - (b) following the hearing, specified information relating to the hearing within the specified period.
- (9B) In subsection (9A)—

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“application of potential strategic importance to Greater London” means a licence application that has been notified to the London licensing authority by the Greater London Authority under section 17A(3) as being of potential strategic importance to Greater London;

“specified” means specified in regulations made by the Secretary of State.]

(10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of—

- (a) different parts of the premises concerned;
- (b) different licensable activities.

Textual Amendments

- F1** Word in s. 18(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 109\(2\)\(a\), 157\(1\)](#) (with [s. 109\(15\)](#)); S.I. 2012/1129, art. 2(d)
- F2** Word in s. 18(4)(a)(i) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 109\(2\)\(b\), 157\(1\)](#) (with [s. 109\(15\)](#)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 18(7)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 105\(4\)\(a\), 157\(1\)](#) (with [s. 105\(11\)](#)); S.I. 2012/1129, art. 2(d)
- F4** Words in s. 18(7)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 105\(4\)\(b\), 157\(1\)](#) (with [s. 105\(11\)](#)); S.I. 2012/1129, art. 2(d)
- F5** [S. 18\(9A\)\(9B\)](#) inserted (29.4.2026 for specified purposes, 29.6.2026 in so far as not already in force) by [English Devolution and Community Empowerment Act 2026 \(c. 23\), s. 108\(1\)\(5\), Sch. 26 para. 8](#) (with [s. 102, Sch. 26 para. 21](#))

Changes to legislation:

Licensing Act 2003, Section 18 is up to date with all changes known to be in force on or before 05 August 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 8(1A) inserted by [2025 c. 10 Sch. 4 para. 2\(b\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 17(3)(ba) inserted by [2025 c. 10 Sch. 4 para. 3](#)
- s. 29(6)(ba) inserted by [2025 c. 10 Sch. 4 para. 4](#)
- s. 71(4)(ba) inserted by [2025 c. 10 Sch. 4 para. 5](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)
- Sch. 3 Pt. 1 heading inserted by [2025 c. 10 Sch. 4 para. 6\(3\)](#)
- Sch. 3 Pt. 2 inserted by [2025 c. 10 Sch. 4 para. 6\(5\)](#)
- Sch. 3 Pt. 1 para. 1 words in Sch. 3 renumbered as Sch. 3 Pt. 1 para. 1 by [2025 c. 10 Sch. 4 para. 6\(4\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 8(1A) inserted by [2025 c. 10 Sch. 4 para. 2\(b\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 17(3)(ba) inserted by [2025 c. 10 Sch. 4 para. 3](#)
- s. 29(6)(ba) inserted by [2025 c. 10 Sch. 4 para. 4](#)
- s. 71(4)(ba) inserted by [2025 c. 10 Sch. 4 para. 5](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)
- Sch. 3 Pt. 1 heading inserted by [2025 c. 10 Sch. 4 para. 6\(3\)](#)
- Sch. 3 Pt. 2 inserted by [2025 c. 10 Sch. 4 para. 6\(5\)](#)
- Sch. 3 Pt. 1 para. 1 words in Sch. 3 renumbered as Sch. 3 Pt. 1 para. 1 by [2025 c. 10 Sch. 4 para. 6\(4\)](#)