

LICENSING ACT 2003 HEARING THURSDAY 09 MAY 2019 @ 0930HRS

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

1. Premises:

Market House,
1-2 Market Place,
Reading,
RG1 2EQ

2. Applicant:

The City Pub Group PLC
Essel House, 2nd Floor
29 Foley Street
London
W1W 7TH

3. Premises Licence:

There is currently a premises licence in place which was granted on 1 December 2018. The premises are located in the town centre within the Councils' Cumulative Impact Area. A copy of the current premises licence is shown at **Appendix PN-5**

4. Proposed Variation:

The application was submitted on behalf of City Pub Group PLC and seeks to vary the layout of the premises.

A plan showing the location of the premises and surrounding area is shown at **Appendix PN-6**

5. Temporary Event Notices

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.

6. Date of receipt of application: 12 March 2019

A copy of the application form is attached as **Appendix PN-1**

7. Date of closure of period for representations: 09 April 2019

8. Representations received:

During the 28 day consultation process for the application, representations were received from the:

Licensing Team. A copy is attached at **Appendix PN-2**

Environmental Protection noise team is attached at **Appendix PN-3**

Planning team is attached at Appendix PN-4

9. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In considering representations received the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:

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

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The Council's licensing policy also places an onus on applicant's who wish to open past 11pm to demonstrate how they will mitigate the issues of crime and disorder and potential public nuisance

Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Licensing Objectives and Aims:

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises

Steps to promote the licensing objectives:

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities;

and

- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all

operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

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 areas. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. 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.

Integrating strategies

14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Planning and Building Control

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with

their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Licensing Act 2003

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

(a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

Reading Borough Council Statement of Licensing Policy 2018

2. Integrating Strategies

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

Licensing and Planning integration

2.2 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a rerun of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, **the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon**

a planning consent prior to any application being submitted under the Licensing Act.

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.10 The key issues surrounding the determination of planning permission are as follows:

- Impact on residential amenity through noise, odour, disturbance, litter, etc
- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies.

Crime and Disorder Act 1998

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

The Anti-social Behaviour, Crime and Policing Act 2014

3.3 This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti social behaviour such as street drinking will be prohibited. The Council has designated areas where street

drinking is prohibited and is in the process of introducing a new public space protection order. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti social behaviour is taking place or likely to take place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.3.4 The Council's Licensing policy is therefore clear and unchallenged on the matter of the planning permission - particularly when it impacts on the promotion of the four licensing objectives - in this case, the prevention of public nuisance. It should also be noted that the planning authority is a named responsible authority in the Licensing Act 2003 and can make representations in relation to applications and call review of licences if it believes it is necessary to do so.

9. Enforcement

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

9.2 The Authority will carry out its licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

9.3 The Licensing Authority has previously and will continue to work with other responsible authorities and partner agencies in order to ensure that the licensing objectives are promoted and that a consistent and joined up approach is taken to enforcement across Reading.

Inspections

9.6 The Authority will carry out inspections at all premises where a premises licence is in force. Additionally, an inspection may also be carried out where an application for a grant, variation or review is received by the Authority to ascertain the likely effect of granting any application on the promotion of the licensing objectives. Inspections may also be carried out if the Authority or one of our partner agencies/responsible authorities are made aware of complaints or other incidents that undermine the promotion of the licensing objectives.

9.7 Inspections will be carried out solely by the Licensing Authority or in conjunction with other partners such as Thames Valley Police, Home Office Immigration Enforcement and Trading Standards.

Cumulative Impact Assessment

12. Cumulative Impact Assessment for the Town Centre

NB: The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment in the forthcoming pages. The licensing policy and the statements, provisions and aims contained within it, are consistent with the approach laid out in the Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. The statements within the policy are aimed at encouraging best practice; a safe environment for all and, most importantly, to actively promote the four licensing objectives. The statements in the licensing policy including the approaches to conditions; hours; enforcement and all other matters will also apply to the premises designated within the Town Centre Cumulative Impact Area. The Licensing Authority is also required to publish, within

the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the full rationale for the Cumulative Impact Assessment and supporting evidence, as standalone chapters within the licensing policy document, we believe that this would make a summary unnecessary and would only serve to duplicate the information provided in the forthcoming pages. It is acknowledged that the Cumulative Impact Assessment (Chapters 12 and 13) must be reviewed every three years whilst the licensing policy (Chapters 1 to 11) must be reviewed every five years.

Cumulative Impact Assessments - Background

12.1 The concept of Cumulative Impact has been described within the Secretary of State's Guidance since the commencement of the 2003 Act. It has been part of the Council's licensing policy since 2010 and is a proper matter for the Authority to consider when discharging its licensing functions and developing its licensing policy. It is also consistent with the Authority's obligations to prevent crime and disorder as outlined in Section 17 of the Crime and Disorder Act 1998. However, this assessment shall not relate to the demand for a certain types of premises (need). The issue of 'need' is not a proper matter for the Authority to consider within the licensing policy statement.

12.2 Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

12.3 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act. This amendment came into force on 6th April 2018.

12.6 The assessment will relate to all premises within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late night refreshment on or off the premises
- The provision of any regulated entertainment

Whilst this Cumulative Impact Assessment does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The Authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

12.7 This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the town centre area is such that it is likely that granting further licences or variations to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence showing high levels of crime and disorder within the town centre; the nature of those offences - which include violent and sexual offences - which are and the comparable data between the Reading night time economies and other night time economies in the Thames Valley area.

12.8 The content of this Assessment does not change the fundamental way that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as ‘any other person’ within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

12.10 This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate and all premises that may benefit from a premises licence or club premises certificate. This includes material variations for increased hours for licensable activity; increased capacity and any other matter that may add to cumulative impact in the Town Centre Cumulative Impact Area. **Section 5A of the Licensing Act 2003 uses the phrase ‘to grant any further relevant authorisations’ in relation to Cumulative Impact Assessments. The Authority interprets that to mean all grant and variation applications in the relevant area. A material variation to increase the scope of a licence - whether that be for extended licensable activities; extended hours or an increase of capacity - is, by all definition, a grant of a new relevant authorisation in the area as it replaces the currently existing one. This is consistent with the Secretary of State’s Guidance and the explanatory notes to the Policing and Crime Act 2017 which was the legislation that inserted Cumulative Impact Assessments into the Licensing Act 2003. The Home Office have also confirmed that this is the intent of the legislation.**

12.11 The Authority has considered in formulating this assessment - in close consultation with Thames Valley Police - that significant concerns do exist over the high concentration of licensed premises within the town centre area. The high concentration of licensed premises is already causing a negative cumulative impact on one or more of the licensing objectives. Therefore granting further licences or certificates or variations to licences and certificates may be inconsistent with the Authority’s duty to promote the licensing objectives and protect the public as a whole.

12.12 Concerns do exist about the concentration of premises in parts of the town centre, particularly in Friar Street, Gun Street, St Mary’s Butts and adjoining roads, together with the impact these premises are having upon the licensing objectives. These concerns and the associated impact on the crime and disorder licensing objective are underpinned by the evidence in this assessment.

12.13 The effect of the Cumulative Impact Assessment is to create a presumption that applications for the grant of a premises licence or club premises certificate or material variations within the stated area will be refused if relevant representations are received. This is because of the high concentration of licensed premises already in existence in the town centre and the further undermining of the licensing objectives that is likely to occur if further licences are granted.

12.14 Applications will be considered on a case by case basis. Any application which is unlikely to have a negative effect on the promotion of the licensing objectives may be granted subject to it being consistent with the provisions and aims set out in this assessment and the licensing policy as a whole. Applicants for a premises licence or club premises certificate within the Town Centre Cumulative

Impact Area should address issues of cumulative impact within their applications. Failure to do this will likely lead to representations being submitted with a recommendation that the application is refused by the licensing committee.

12.15 Where during the application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area, responsible authorities are concerned that the licensing objectives will be impacted on or undermined, or that the application undermines the ability of the Authority to actively promote the licensing objectives or aims of the licensing policy statement, then relevant representations are likely to be made. The application will then proceed to a hearing. If during the hearing to determine the application, an applicant is able to demonstrate that there will be no negative impact on the authority's duty to promote the licensing objectives and there will be no increase in the cumulative impact, a licence may be granted. However, if it cannot be demonstrated that an application will not undermine the licensing objectives; will not increase the cumulative impact within the town and will not impact on crime and disorder and public nuisance within the town then it shall be the policy of this authority to refuse the application. The onus is on the applicant to demonstrate that the Council should overturn its own policy in relation to Cumulative Impact.

12.18 This assessment shall set out the approach the Authority shall take when dealing with certain types of premises and the associated licensable activities. Each application will be assessed on a case by case basis. However, the onus is on the applicant to address the issue of cumulative impact within their application along with how they plan to promote the licensing objectives and aims stated within the Authority's licensing policy.

12.19 The 2003 Act gives the authority power to set appropriate licensing hours that are consistent with the promotion of the licensing objectives. The licensing authority cannot set predetermined hours of operation and must take decisions on a case by case basis.

12.20 However, the evidence within this assessment clearly shows crime levels significantly increase after 0000hrs. Therefore any applicant who wishes to operate past 0000hrs must demonstrate how their operation will not negatively impact the promotion of the licensing objectives in an area which is already under stress from a high concentration of licensed premises.

Application of the policy by premises type.

12.23 As already stated in paragraph 12.13, it is the general policy of the Authority to refuse applications for the grant or variation of a premises licence or club premises certificate in the Town Centre Cumulative Impact Area. This general policy refers to all licensable activities specifically the sale of alcohol on or off the premises; the provision of late night refreshment on or off the premises and regulated entertainment. It also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant.

12.24 However, the policy stated in 12.13 and 12.23 is not absolute and applicants will have the opportunity to address matters affecting Cumulative Impact within their application. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the Authority's licensing policy; this assessment and the Authority's ability to be able to promote the licensing

objectives.

12.26 Restaurants: Where applications are made for restaurants to sell alcohol ancillary to the consumption of a substantial table meal, it is not envisaged that there will be a negative impact on the promotion of the licensing objectives. However, this is subject to certain caveats. The Authority believes that a restaurant is a premises that provides one hundred percent seating for its customers and that the sale of alcohol shall only be made with the ordering of a substantial meal. There should be no vertical drinking on the premises and substantial food shall be available at all times the premises is open via waiter and waitress service. Applicants will be expected to include information within their applications in regard to these matters.

12.27 Hotels: Where applications are made for hotels to sell alcohol for the consumption of their bona fide guests only, then it is not envisaged there will be a negative impact on the promotion of the licensing objectives. However, applications that wish to sell alcohol to non guests or provide late night refreshment and regulated entertainment will likely attract representations if it cannot be demonstrated that there will be no negative impact on the Authority's duty to promote the licensing objectives. Hotels operating as late night bars where members of the public, who are not bona fide guests, can attend the premises and purchase alcohol and late night refreshment will also likely attract representations. Hotels will also be expected to demonstrate how they will address and prevent any issues of potential child sexual exploitation and the other provisions laid out in the licensing policy referencing the wider issue of child protection.

12.29 Traditional Public Houses: Experience has shown that traditional public houses tend to appeal to a more mature clientele than bars and night clubs. Pubs that sell substantial food all day; provide substantial seating; sell real ales; do not offer cheap drink promotions and do not provide regular entertainment are unlikely to have a negative impact on the licensing objectives. However, an application will only be granted if the Authority is satisfied that granting the application will not add to the cumulative impact within the town and will not cause undue disturbance to any local residents. The application must also comply with the statements and other provisions of the Council's Licensing policy. Traditional pubs offering cheap drink promotions, regular entertainment and have the potential to undermine the promotion of the licensing objectives through their operation are likely to be refused. The applicant will have to demonstrate how their proposed operation is not inconsistent with the Authority's ability to promote the licensing objectives and safeguard the public as well as the statements and provisions in the Council's licensing policy.

12.33 Night Clubs and Late Night Bars: As stated in paragraphs 12.13 and 12.23, it will be the policy of this Authority to refuse grant and variation applications for night clubs and late night bars. Experience has shown that these types of premises which serve alcohol - often at low prices or through cheap drinks promotions; provide limited seating for customers; provide late night regulated entertainment and which are alcohol led - serving limited or no food - have the strongest potential to have a negative impact on the Authority's duty to actively promote the licensing objectives and to add to cumulative impact within the town. This also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant which may have an impact on the promotion of the licensing objectives.

Other Initiatives within the Town Centre Cumulative Impact Area

12.35 Prospective applicants and current licence holders should also familiarise themselves with the other initiatives that the Authority - in conjunction with it's partners - have instigated the below initiatives to assist in reducing instances of crime and disorder within the town - particularly during the night time economy - which also aim to provide a safer environment for those frequenting the town:

- The town centre Pubwatch
- The use of street wardens
- Public Space Protection Order
- First Stop Centre at the Minster Church
- Reducing the Strength Initiative
- Test purchasing
- Regular routine inspections
- Purple Flag
- Best Bar None

Applicants who wish to operate in the Town Centre Cumulative Impact Area will be expected to make use of all of the above and participate fully with the Authority and it's partner agencies to maintain a cohesive and best practice approach to promoting a safe environment in the town.

Summary

The Responsible Authorities respectfully ask that the application for the variation of a premises licence for be refused for the reasons and rationale stated in their representations. The application is contrary to the Council's Cumulative Impact Assessment; does not seem to take cognisance of the Council's Licensing policy; does not appear to have been made in line with the Secretary of State's Guidance.

Therefore granting this variation will be inconsistent with the Authority's duty to actively promote the licensing objectives.

Case Law

East Lindsey DC v Abu Hanif (2016)

Case of (R) on the application of Portsmouth City Council v 3D

Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31

British Beer and Pub Association v Canterbury City Council (2005)