

Appendix A

PR00067

RESTRICTED



APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, (insert name of applicant) PC 4346 Katie JAGGER

- Apply for the review of a Premises Licence under Section 51
- Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

CYRUS

205 Lockwood Road, Lockwood

Town/City: Huddersfield

Postcode: HD1 3TG

Name of premises licence holder or club holding club premises certificate (if known):

Number of premises licence or club premises certificate (if known): PR A 1321

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

1. An interested party (please complete A or B below)

(a) a person living in the vicinity of the premises

(b) a body representing persons living in the vicinity of the premises

(c) a person involved in business in the vicinity of the premises

(d) a body representing persons involved in business in the vicinity of the premises

2. ~~A responsible authority (please complete C below)~~

3. A member of the club to which this application relates (please complete A below)

A – Details of individual applicant

Mr

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

B – Details of other applicant

Surname: Forename(s):
Address: Town/City: Postcode:
Daytime contact telephone number:
E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R PC
Surname: JAGGER Forename(s): Katie
Address: West Yorkshire Police Licensing, Flint Steet
Town/City: Huddersfield Postcode: HD1 6LG
Daytime contact telephone number: [REDACTED]
E-mail address (optional): [REDACTED]

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

In April and May 2019 none duty paid tobacco products were seized from this Premises as were pharmacy type products that did not have any English writing on the outer box, which were believed to be prescribed type products.
They were also selling alcohol outside the permitted hours
Blue tables, believed to be Viagra were found under the counter, these can only be sold after seeking medical advice, and only be retailed from a pharmacy.
The Designated Premises Supervisor appears to be in name only.
The persons working in the shop are unaware of their responsibilities, and don't even know what hours the shop can trade.

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Please provide as much information as possible to support the application (please read Guidance note 2)

On the 5th April 2019 a test purchase was carried out by a Kirklees licensing officer after the hours that the licence were in effect. The sale took place at 21.05 hours, and the licence ceases at 20.30 hrs. At the time of the offence the shop was not made aware of the failure due to the scheduled partnership visits that were to take place.

On the 18th April 2019 a partnership operation was put in place to investigate criminal activities linked to licensed premises in the Huddersfield area.

One of the shops visited was Cyrus, 205 Lockwood Road, Huddersfield.

The [REDACTED] working behind the counter [REDACTED] sold a member of staff from Trading Standards 20 Richmond cigarettes for £4.

Once the test purchase had taken place Trading Standards returned to the shop with Police Officers.

The Designated Premises Supervisor, [REDACTED] born [REDACTED] was present at the shop. One of the attending officer reported that [REDACTED] could speak little English and knew nothing about the running of the shop.

A full search of the shop was carried out and found inside the Premises were a large number of none duty cigarettes hidden between drinks cans in the store room behind the counter.

Also found in the waste bin behind the counter was a car key fob which had recently been placed there. This was found to be key fob for a car outside the shop, registration number [REDACTED]. This vehicle was searched and a further large amount of none duty paid cigarettes were found. The car belonged to [REDACTED] who was inside the shop when the partner agencies first went inside. [REDACTED] had a very good understanding of the running of this shop, and had keys for premise in [REDACTED] possession.

Within the Premises were items on sale that were pharmacy type products that did not have any English writing on the outer box and were believed to be prescribed type products. These were seized and were sent to the Medicines and Healthcare products Regulatory Agency (MHRA) in London for assessment as foreign livery medication cannot be sold in the UK.

On the 9th May 2019 a further partnership operation took place and Police Officers again attended at Cyrus. Working at the shop was the Designated Premises Supervisor [REDACTED] born [REDACTED]. Police Officers found [REDACTED] English was poor and [REDACTED] could not understand when Officers asked [REDACTED] to produce [REDACTED] training records, first aid box, operate the CCTV or discuss the challenge 25 policy. When asked who owned the businesses [REDACTED] could only answer [REDACTED] and on request showed the phone number [REDACTED] had for [REDACTED]. [REDACTED] was asked who the Designated Premises Supervisor was and [REDACTED] said [REDACTED] did not

know. Later paperwork was found in the Premises stating that ■ was in fact the DPS. Kirklees Licensing can confirm that ■ became the DPS for this premises on 20/11/18.

Behind the serving counter in a drawer below the till in a carrier bag, 18 packets of none duty paid cigarettes were found, 4 further packets were found close by next to the CCTV recorder. Hidden inside a tray of polish beers in the storage room situated directly behind the till were a further 49 packets of none-duty paid cigarettes.

Also in this storage room, inside a red document holder was a clear money bag containing 3 small bags of cannabis.

During a further search of the drawers underneath the till 49 blue tablets were found. These were believed by Officers to be a type of Erectile Dysfunction Tablets. These tablets can only be legally sold at a pharmacy after the pharmacist has determined whether treatment is appropriate for the patient.

West Yorkshire police feel that this business is impacting on three of the licencing objectives, and the owner has disregard to customer safety, and is willing to participate in criminal activities to further his own gain.

The selling of none duty cigarettes are more attractive in both price and packaging to young people, leading them to become addicted to tobacco from a young age. None duty cigarettes do not come with the statutory health warnings required by the Tobacco and Related Products Regulations 2016 and do not have the plain packaging as required by the Standardised Packaging of Tobacco Products Regulations 2015. The supply of this cheap tobacco undermines the government's policy of using tax to maintain the high price for tobacco to help reduce smoking. The dealers in this tobacco reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing and causing local economies to suffer. It has also been linked with funding organised crime gangs.

Therefore we request that strong consideration be given to revocation of this licence.

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

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If you have made representations before relating to this premises, please state what they were and when you made them:

Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

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

Part 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature:.....  Date: 16/5/19

Capacity: Police Constable

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):

Address:

Town/City:

Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix B



Statement of:

Age of witness: (if over 18 enter 'over 18')

Over 18

Occupation:

Enforcement Officer

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated:

15/05/2019

Signature:

I am employed by West Yorkshire Trading Standards Service (WYTSS) as a Regulatory Compliance Officer.

On 18 April 2019, at 20:00 hours I entered Cyrus, 205 Lockwood Road, Huddersfield. There was a [redacted] behind the counter, approximately 5'8 tall, short black hair, slim build of Middle Eastern appearance who I later found out was [redacted]. Also present behind the counter were 2 other [redacted]. I asked for 20 Richmond cigarettes and [redacted] stepped into the store room behind the counter and returned with a box of 20 Richmond which he sold to me for £4.

I left the premises but then returned with my colleagues [redacted] and [redacted] and Officers from West Yorkshire Police. We searched the premises and I found boxes of cigarettes hidden in between drink cans in the store room behind the counter. I also witnessed PC Steve Nichol search [redacted] [redacted] car and found 2 bags of illicit tobacco. The items were seized by WYTSS and we left the premises.

NOTE : If statements are typed double spacing should be used.
One side only of this paper should be used.

(Signed)

Dated.....

15.5.19

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Appendix C



Medicines & Healthcare products
Regulatory Agency



MHRA

10 South Colonnade
Canary Wharf
London
E14 4PU
United Kingdom

Telephone

+44 (0)203 080 6330

Email

casereferrals@mhra.gsi.gov.uk

CYRUS EASTERN EUROPEAN FOODS

██████████ LOCKWOOD ROAD
Huddersfield
West Yorkshire
HD1 3TG

07/05/2019

Ref: INC 15692

Dear ██████████

The Human Medicines Regulations 2012 (SI 2012/1916) – Sale of medicine in non-English language packaging, Prescription only medicines, and Pharmacy medicines.

It has been brought to our attention that you are selling products that are defined as medicinal products.

In the United Kingdom, there are legal controls on the retail sale, supply and advertisement of medicinal products for human use. It is unlawful for medicinal products to be imported, marketed, manufactured, distributed and sold or supplied except in accordance with the appropriate licenses or exemptions. The United Kingdom has three legal classes of authorized medicines:

- General sale list medicines are suitable for sale and normal use without supervision or advice from a pharmacist or doctor
- Pharmacy medicines can only be obtained from a pharmacy and are sold or supplied under the supervision of a pharmacist
- Prescription-only medicines must be prescribed by an authorized healthcare professional, for example a doctor, dentist or independent prescriber

Prescription-only and pharmacy medicines may only be legally sold or supplied to the public through registered pharmacy premises, by or under the supervision of a pharmacist. Additionally, prescription-only medicines may only be sold or supplied in response to a prescription from an authorized healthcare professional (such as a doctor, dentist, or certain trained nurses and pharmacists). Prescription-only medicines cannot be advertised directly to the public.

Although there are no formal restrictions on an individual importing a medicinal product into the United Kingdom, provided that the product is strictly for use by that person or a member of their immediate family, if the product is sold or supplied onwards, it will be subject to a requirement to hold an appropriate licence.

The Medicines and Healthcare Products Regulatory Agency (MHRA) (an Executive Agency of the Department of Health) is the United Kingdom competent authority charged with the regulation of products falling under the definition of a medicinal product for human use and/or medical devices.

In order to comply with UK regulatory requirements, appropriate licences must be held in order to sell and supply these products.

A breach of the regulatory requirements may constitute a criminal offence. Penalties on conviction for an offence under medicines regulations range from an unlimited fine to a term of imprisonment of up to two years.

This letter is issued with a view to seeking your compliance in this matter. We require that you cease any such activity with immediate effect and send us your written confirmation that you have done so, within **fourteen (14) days** of the receipt of this letter.

This letter is issued without prejudice to any future action the Agency may consider appropriate.

Please contact the MHRA if you wish to discuss this letter.

Thank you for your co-operation.

Yours sincerely,

[REDACTED]
[REDACTED]
MHRA
Enforcement Group
Case Referral Centre

10 South Colonnade, Canary Wharf, London, E14 4PU
Email: casereferrals@mhra.gsi.gov.uk
Tel: 0203 080 6330

Appendix D

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER: LICENSING AUTHORITY:	[REDACTED] [REDACTED]
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ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$
where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
6. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

1. The CCTV system shall be maintained to a good working standard, all images to be retained for a minimum of 31 days and to be made available on request to authorised officers. The CCTV system will monitor the interior of the premises.
2. The premises are secured and alarmed when closed with roller shutters on the front.
3. Records of incidents will be maintained in hardbacked registers and all information of refusals for the sale of alcohol/ cigarettes will be recorded and retained for a period of one year.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted:

Date Commences/Varied:



Head of Public Protection Service

Any conditions applicable to these premises are attached to the licence

Date Granted:

Date Commences/Varied:

A handwritten signature in black ink, appearing to read "J. Blakely". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Head of Public Protection Service

Appendix E

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

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

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.
