

Statement of Licensing Policy

1 Introduction

Purpose

1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under Licensing Act 2003, during the next three years.

Consultation

1.2 In developing this Statement the Licensing Authority is required to consult with 6 different groups, and to take account of their views. The groups are:

- the police
- the fire authority
- bodies representing local holders of premises licences
- bodies representing local holders of club premises certificates
- bodies representing local holders of personal licences
- bodies representing businesses and residents in its area
- And any other group that the Licensing Authority

Licensable Activities

1.3 The licensable activities are:

- the sale of alcohol by retail
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- the provision late night refreshment
- the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)
- any playing of recorded music
- a performance of dance
- and similar types of entertainment.

2 Fundamental Principles

Background

- 2.1 This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

The Licensing Objectives

- 2.2 The licensing authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.

Balance

- 2.3 The licensing authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.
- 2.4 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

Relevancy

- 2.5 Licensing concerns the control of is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and the direct impact of the activities taking place at the licensed premises.
- 2.6 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

3 Cumulative Impact

- 3.1 In certain situations the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual areas the licensing authority may consider that an area has become saturated. In these circumstances, where representations are made from a responsible authority such as the police or interested party, such as local residents, the licensing authority may consider whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. If this is the case it may adopt a special saturation policy, which would allow it to refuse new licences because the area in question already saturated with licensed premises.
- 3.2 The licensing authority recognises, however, that this policy cannot be absolute and it would continue to consider each application properly on its merit and for licences that are unlikely to add significantly to the problems of saturation would be approved.
- 3.3 The authority in considering whether to adopt a special saturation policy will take the following steps:
- identification of serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder;
 - assessment of the causes;
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area; and
 - adopting a special policy, as provided for in this statement, about future licence applications from that area.
- 3.4 When considering whether to refuse an application because of a special saturation policy, it will be for an objector to a particular application to lay the necessary evidence that the granting of the licence would produce the cumulative impact as described above. The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 3.5 The authority will review any special saturation policy every 3 years in line with a review of this policy statement.
- 3.6 Any special saturation policy will not be used to:
- removing a licence when representations are received about problems with an existing licensed premises; and
 - justifying the rejection of modifications to a licence except where those modifications are directly relevant to the policy.

- adopt quotas that pre-determine the individual merits of any application.
- 3.7 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues.

4 Licensing Hours

- 4.1 In making decisions that relate to the hours for which a premises is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 4.2 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 4.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 4.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant.
- 4.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

5 Children

General

- 5.1 The licensing authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm.
- 5.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The licensing authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

- 5.3 The licensing authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.
- 5.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.
- 5.5 The range of options available to limit the access of children to licensed premises that may be imposed by the licensing authority include:
- Limitations on the hours where children may be present;
 - Age limitations (below 18);
 - Limitations or exclusions when certain activities are taking place;
 - Requirements for an accompanying adult;
 - In exceptional cases, exclusion of people under 18 from the premises when any licensable activities are taking place.

Children and Cinemas

- 5.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

Children and Public Entertainment

- 5.7 The licensing authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

6 Integrating strategies

- 6.1 The Licensing Authority will seek to achieve integration with the following strategies and will consult with the appropriate organisations to achieve this.
- Crime Reduction Partnership
 - Planning

- Transport
- Tourism
- Cultural Strategy
- Employment

7 Licensing and Planning

- 7.1 Premises Licence applications will not be approved where there is a conflict between the permission being sought and the planning consent relating to the premises. Where planning permission is being sought, a licence application will not be approved until the necessary planning permissions have been received.

8 Duplication

- 8.1 The authority will avoid duplication with other regulatory regimes (eg Health and Safety at Work Act) insofar as attaching conditions to premises' licences and club premises certificates.
- 8.2 Conditions will only be attached where they are "necessary" for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

9 Standardised Conditions

- 9.1 This authority will only attach to premises licences and club premises certificates those conditions that are tailored to the individual style and characteristics of the premises and the events concerned and where they are necessary for the achievement of one or more of the four licensing conditions.
- 9.2 However to aid administration attached to this statement at annex ?? <<*to be inserted when published by the government*>> are pools of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances.

10 Enforcement

- 10.1 The licensing authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.
- 10.2 The licensing authority will develop and review enforcement protocols in agreement with the police.

10.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

10.4 Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in this Statement of Policy, and the requirements of the Licensing Act itself;
- Protect public safety;
- Prevent nuisance;
- Prevent crime and disorder;
- Protect children from harm;
- Identify unlicensed activities;
- Respond to complaints and representations from relevant individuals and responsible authorities;
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug abuse

11 Live Music, Dancing and Theatre

11.1 The licensing authority will ensure that when it considers licences for entertainment involving live music, dancing and theatre it will act so as to promote the licensing objective of preventing public nuisance.

11.2 The licensing authority recognises that there is a need to encourage and promote live music, dancing and theatre because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

12 Delegation of Functions

12.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions;
- The review of a premises licence or club premises certificate.

12.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence;

- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated personal licence holder;
- Application for transfer of a premises licence
- Application for interim authority
- The determination of a temporary event notice.

12.3 The Corporate Director Environment, Regeneration and Development will determine all other matters.