



Leicester  
City Council

**WARDS AFFECTED: All**

**Council**

**26 November 2015**

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## **Review of Statement of Licensing Policy**

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### **Report of the Director of Local Services and Enforcement**

#### **1. Purpose of Report**

- 1.1. The purpose of the report is to seek Council's approval for the Licensing Policy for the coming five years.

#### **2. Summary**

- 2.1 Leicester City Council is required to publish its Licensing Act Policy for 2016 – 2021 no later than 7 January 2016 (28 days before it comes into force).
- 2.2 The Licensing Policy sets out the authority's approach to its responsibilities under the Licensing Act 2003. These are guided by the four licensing objectives set out in the policy.
- 2.3 This Act deals with:
- The sale or supply of alcohol
  - Regulated entertainment
  - Late night refreshment
- 2.4 The proposed revised policy is shown in Appendix A.

#### **3. Consultation**

- 3.1 The responses to the online survey are shown in Appendix B.
- 3.2 In accordance with the Licensing Act, consultation has taken place with:

- the police
- the fire authority
- persons representing holders of existing premises licences and personal licence
- persons representing holders of existing club premises certificates
- bodies representing businesses and residents in the Leicester city area
- consultation was also available on the council's website between 1 July and 16 August 2015

#### **4 Comments by Licensing Committee**

4.1 The proposed policy was considered by the Licensing Committee on 27 October 2015. It made the following resolution:

- 1) That the Council be informed that the Committee supports the draft Statement of Licensing Policy and recommends it be adopted.
- 2) That the Committee supports the inclusion of a Foreword to set the vision, aspirations or a desired direction of travel for licensed premises in the City provided it contains a clear statement that it does not form part of the licensing policy to prevent it being used as the basis for a potential challenge.

#### **5 Comments by Neighbourhood Services and Community Involvement Scrutiny Commission**

5.1 The Commission commented as follows:

- The Commission considers that the policy of banning some stores from selling high alcohol content drinks while others are allowed to sell such drinks is anti-competitive and may lead to smaller more local businesses losing trade.

#### **6 Proposals**

6.1 The main changes to the licensing policy are as follows:

Paragraph 7.8 - The licensing authority recommends that proper incident recording systems are in place.

Paragraph 7.13 - Recognises that it may be appropriate to carry out a risk assessment where events promoted by a third party or which are not part of the usual business of the premises are to take place.

Paragraph 7.14 – Sets out the steps that the licensing authority would expect to be taken to prevent crowd disorder at boxing events.

Paragraph 9.1 – The licensing authority recommends that off-licences in areas associated with problem street drinking take certain steps to prevent problems occurring.

Paragraph 10.6 – The licensing authority recommends that a risk assessment is undertaken and the police are informed about events aimed at children in premises which normally sell alcohol.

- 6.2 The special policy on cumulative impact has also been reviewed. The policy currently identifies four separate areas – Churchgate area, Belvoir Street area, Braunstone Gate / Narborough Road area and London Road / Granby Street area (for off-licences only). No changes are proposed to this part of the policy.

## **7. Recommendation**

- 7.1. Council is asked to approve the revised policy shown in Appendix A.

## **9 Financial, Legal and Other Implications**

### **Financial Implications**

- 9.1 There are no significant financial implications arising from any changes to the policy.

*Amin Girach - Accountant*

### **Legal Implications**

- 9.2 Section 5 of the Licensing Act 2003 requires the Council as a Licensing Authority to determine its statement of licensing policy each five-year period. Before determining the statement of licensing policy the Authority must consult on it, the Authority must then publish the statement of licensing policy. Throughout the five year period the Authority is required to keep the statement of licensing policy under review and make any revisions as may be appropriate.

*Nicky Agalamanyi - Legal Services*

### **Equalities Implications**

- 9.3 The Statement of Licensing Policy does have a section on equalities considerations, 11.14 – 11.18, which reflects on:

- The underpinning aims of the Licensing Act 2003 which focus on specific outcomes for local people in general, and children in particular
- The aims of our Public Sector Equality Duty, section 149 of the Equality Act 2010.

This section sets out the equalities considerations that will be given as part of the Licensing Authority's operation, focusing on protection of vulnerable people, promotion of good relations and access to information about licensing.

The approach reflects the PSED principle of these considerations being an ongoing duty for us as a licensing authority. All protected characteristics are affected, with additional focus placed on children (protected characteristic of age).

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# Leicester City Council

## DRAFT Statement of Licensing Policy

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# 1 Introduction

## Purpose

- 1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep this policy under review and may make revisions to the document following consultation with the bodies outlined below. The policy will also:
- be used as a guide by members of the Licensing Authority in their decision making ;
  - inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
  - inform residents and businesses about how applications will be viewed and how their needs will be addressed;
  - be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

## Consultation

- 1.2 In developing this Statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views:
- the police
  - the fire authority
  - persons representing holders of existing premises licences and personal licence
  - persons representing holders of existing club premises certificates
  - bodies representing businesses and residents in the Leicester city area
  - other groups that the Licensing Authority considered appropriate

## 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 of late night refreshment
  - the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and depending on the hours, size of audience and type of premises, 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, e.g. a piano in a restaurant)
- any playing of recorded music
- a performance of dance
- and similar types of musical or dance related entertainment.

## **2 Fundamental Principles**

### **Background**

2.1 This Statement of Licensing Policy sets out how the Licensing Authority will carry out its functions under 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 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 relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, premises, and the direct impact they have on nearby residents and businesses. The ‘vicinity’ will be a question of fact in each case, and the authority will primarily focus on the direct impact of the activities taking place on members of the public living, working or engaged in normal activity in the area concerned.
- 2.6 Licensing law is not the primary mechanism for the general control of nuisance and 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 The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder or public nuisance. “Need” concerns the commercial demand for another pub, restaurant, etc. It is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy, but is a matter for planning committees and for the commercial market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority and its licensing committee to consider.
- 3.2 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 premises, the licensing authority may consider that a special policy is needed to deal with this cumulative impact.
- 3.3 The Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:
- planning controls;
  - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
  - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;



- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or any other person to seek a review of the licence or certificate in question;

## 4 Policy on Cumulative Impact

- 4.1 The Licensing Authority has received a representation from Leicestershire Police that the circumstances described above exist in relation to parts of Leicester's City Centre, and that the grant or variation of further premises licences or club premises certificates would undermine the crime prevention objective.
- 4.2 In response to this representation the Licensing Authority has:
- Considered evidence about the extent of the problem of crime and disorder;
  - Considered evidence about the likely association of the problem with the number and density of licensed premises in the city centre;
  - Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the City Centre;
  - Considered the outcome of that consultation; and
  - Resolved to declare the continuation of the special policies described below.

### Churchgate Area Cumulative Impact Zone

- 4.3 The area of this policy is marked on the map at Appendix 1.
- 4.4 The Licensing Authority will continue to adopt a special policy on cumulative impact in relation to the Churchgate area of the City Centre:
- bounded by Churchgate, Haymarket, Belgrave Gate (from Haymarket to Abbey Street), Abbey Street and Burleys Way (from Abbey Street to Church Gate);
  - including both sides of the streets bounding the area;
  - including Gravel Street, Mansfield Street, New Road, Sandacre Street and Short Street within the area.

### Belvoir Street Area Cumulative Impact Zone

- 4.5 The area of this policy is marked on the map at Appendix 1.

- 4.6 The Licensing Authority will continue to adopt a special policy on cumulative impact in relation to the Belvoir Street area of the City:
- bounded by Belvoir Street, Granby Street (from Belvoir Street to Chatham Street), Chatham Street, Wellington Street (from Belvoir Street to Park Street), Park Street, New Walk (from Park Street to King Street) and King Street (from New Walk to Belvoir Street);
  - including both sides of the street bounding the area;
  - including Stamford Street and part of Albion Street (from Belvoir Street to Chatham Street) within the area.

#### Braunstone Gate Area Cumulative Impact Zone

- 4.7 The area of this policy is marked on the map at Appendix 2.
- 4.8 The Licensing Authority will continue to adopt a special policy on cumulative impact in relation to the Braunstone Gate area of the City:
- bounded by Braunstone Gate, New Park Street, Narborough Road from New Park Street to Upperton Road, and Hinckley Road (from Narborough Road to Fosse Road Central/Fosse Road South);
  - including both sides of the streets bounding the area;
  - including Thorpe Street, Foxon Street and Earl Howe Terrace within the area.

#### London Road/Granby Street Cumulative Impact Zone

- 4.9 The area of this policy is marked on the map at Appendix 1.
- 4.10 The Licensing Authority will continue to adopt a special policy on cumulative impact for off-licences in relation to the London Road/Granby Street area of the City:
- bounded by Conduit Street, Sparkenhoe Street (from Conduit Street to Highfield Street), Highfield Street, London Road (from Granby Street to Granville Road) and Granby Street (from London Road to Chatham Street);
  - including Glebe Street, Andover Street, Lincoln Street, Prebend Street, College Street, Hobart Street, Seymour Street, Saxby Street, Gotham Street, Tichbourne Street (from Saxby Street to Highfield Street), and Severn Street (from Saxby Street to Highfield Street).
  - including both sides of the street bounding the area;

#### Effect of Cumulative Impact Policy

- 4.11 The cumulative impact policies will only come into effect where relevant representations are received in relation to a specific

application. If there are no representations the licensing authority must grant a premises licence/club premises certificate in accordance with the application.

- 4.12 The Licensing Authority recognises, however, that these policies cannot be absolute and it will continue to consider each application on its merits. Licences that are unlikely to add to the problems of cumulative impact would be approved.
- 4.13 There will be a presumption that applications for new premises licences or extension to the hours of licensing of existing premises in a cumulative impact zone will be refused. If the applicant can demonstrate that the premises will not add to the existing problems in the cumulative impact zone, the application could be approved. Applicants will need to address this issue in their operating schedules.
- 4.14 The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 4.15 The authority will review these policies at appropriate times and if it considers that they need to be amended will undertake appropriate consultation before any amendment is made.
- 4.16 The policies will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; or to
  - justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
  - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## **5 Licensing Hours**

- 5.1 In making decisions that relate to the hours for which a premises is licensed, particular 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.
- 5.2 It is recognised that longer licensing hours are important to help 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. This will be balanced, however, against the duty to promote the licensing objectives and the rights of local residents to peace and quiet.

- 5.3 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. However, there may be circumstances in which restricting the hours of opening of a particular premises is in the interests of promoting the licensing objectives.
- 5.4 In making decisions in respect of licensing 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. This may lead to the imposition of stricter conditions on noise controls in areas of denser residential accommodation
- 5.5 Fixed trading hours will not be set for particular geographical areas. Each case will be decided on its own merits based on whether the licensing objectives can be met.

## **6 Promotion of the Licensing Objectives**

- 6.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:
- Granting or refusing applications for licences;
  - Reviewing licences;
  - Imposing conditions;
  - Deciding how to integrate with other strategies of the council.
- 6.2 Licence applications should be accompanied by an operating schedule that includes the steps that the applicant proposes to take to promote the licensing objectives. The Licensing Authority strongly recommends that the process of developing the operating schedule includes a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.
- 6.3 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. In particular the following authorities should be contacted: The relevant authorities are:
- Prevention of Crime and Disorder – Leicestershire Police, Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the City Council’s Environmental Health Officers with responsibility for Health & Safety
  - Public Nuisance – the City Council’s Environmental Health Officers and Pollution Control Officers with responsibility for Pollution Control
  - Protection of Children from Harm – Local Safeguarding Children Board, Leicestershire Police.
  - A guide on how to write an operating schedule to meet the requirements of the responsible authorities is available from the Licensing Authority or can be downloaded from the Licensing Authority’s web-site at:  
<http://www.leicester.gov.uk/licensing/>

- 6.4 The following sections set out those steps that the licensing authority considers would ordinarily be appropriate for particular types or premises. The licensing authority would strongly encourage applicants and licence holders to consider adopting these requirements. However the Licensing Authority will not impose them indiscriminately. Applicants and licence holders may decide that it is not necessary to include these steps in the operating schedule for the premises, based on the particular circumstances involved. Equally it may be necessary to take steps to promote the licensing objectives in their premises, because of particular circumstances, even though they would not ordinarily be necessary.

## 7 The Prevention of Crime and Disorder

### CCTV

- 7.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in city centre pubs and clubs and city centre late night refreshment premises. The CCTV should be installed and maintained on the advice of Leicestershire Police.
- 7.2 The licensing authority recommends that CCTV is installed in the following types of premises:

#### Premises in the City Centre and Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Off-licences;
- Late night takeaways.

#### Premises Outside the City Centre

- Pubs and bars;
- Off-licences;

### Door Supervision

- 7.3 Door supervisors can be used to ensure that persons waiting to enter licensed premises behave in orderly manner. They can also ensure that only appropriate persons are admitted to the premises, and assist with the operation of proof of age schemes. The number of door supervisors necessary and the times at which they are employed should be based on a risk assessment. Any staff employed as door supervisors must be registered with the Security Industry Authority.
- 7.4 The licensing authority recommends that door supervisors are employed at appropriate times in the following types of premises:

Premises in the City Centre and  
Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Off-licences;

Premises Outside the City Centre

Pubs and bars;

**Staff Training**

- 7.5 Adequate and appropriate staff training forms a vital part of ensuring licensed premises are properly run so as to promote the licensing objectives. The Level1 Award in Responsible Alcohol Retailing from the BIIAB ensures successful participants are able to act within the law and to support the designated premises supervisor to retail alcohol responsibly on their licensed premises.
- 7.6 The licensing authority supports staff training in general and in particular recommends that appropriate staff training is provided in the following types of premises:

Premises in the City Centre and  
Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Restaurants and cafes
- Off-licences;

Premises Outside the City Centre

- Pubs and bars;
- Members' clubs
- Premises run by local community organisations
- Restaurants and cafes
- Off-licences

**Open Containers of Alcohol**

- 7.7 Leicester is subject to a citywide street drinking order. To support this, the Licensing Authority considers it appropriate for city centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

## Record Keeping and Reporting

- 7.8 The Licensing Authority considers it appropriate for city centre premises to keep proper records of all instances of refusal to sell alcohol and incidents of crime and disorder. The records must be immediately available to Police and Licensing Officers on request. All instances of crime and disorder should be reported to the Police.

## Irresponsible Drinks Promotions

- 7.9 The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.
- 7.10 All premises that sell alcohol are subject to a mandatory condition which makes irresponsible drinks promotions illegal. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at a premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

## Dance Venues

- 7.11 The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the “*Safer Clubbing Guide*” published by the Government and available for download from the Licensing Authority’s web-site. <http://www.leicester.gov.uk/licensing/>
- 7.12 The licensing authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provide dance facilities. Other pubs and clubs, depending on circumstances, may also benefit from these steps:
- Adoption of the City Council’s policy on preventing drugs misuse
  - Searching of customers before entry in accordance with the Leicestershire Police Code of Practice on *Searching and Licensed Premises*. This will be aimed at preventing drugs and offensive weapons being brought into premises.

## Other Steps to Promote the Prevention of Crime and Disorder

- 7.13 There is a wide range of other steps which may be appropriate in particular circumstances including:
- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
  - Requiring drinking vessels to be plastic or toughened glass.
  - Requiring the provision of radios to connect premises supervisors in town and city centres to the police

- Appropriate measures to prevent overcrowding in parts of the premises
- Carrying out a risk assessment where events promoted by a third party, or where the event is not part of the premises usual business.
- Effectively managing incidents involving crime and disorder, a guide to this produced by Leicestershire Police is available on the Council's website: <http://www.leicester.gov.uk/licensing>
- Ensuring drunkenness is not tolerated on licensed premises. Advice on this issue produced by the Leicestershire Police is available on the Council's website: <http://www.leicester.gov.uk/licensing>

### **Boxing and Wrestling**

- 7.14 Boxing and wrestling events performed before an audience will require an authorisation under the Licensing Act. Before granting an authorisation, the licensing authority will want to be satisfied that adequate measures have been taken to ensure that crowd disorder does not occur. The licensing authority recommends that a risk assessment should be undertaken to determine what steps are necessary to promote the licensing objectives and this could include:
- Adequate door supervision;
  - Not holding bouts between contestants which have resulted in disorder in the past;
  - Police supervision on site during the event.
  - Bare knuckle and some other forms of boxing may be illegal. Leicestershire police should be contacted for advice on this.

## **8 Public Safety**

### **Premises Licensed for Regulated Entertainment**

- 8.1 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and the Regulatory Reform (Fire Safety) Order 2005, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.
- 8.2 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This may include:
- Setting a capacity limit for all, or separate parts, of the premises.
  - The provision of staff to control admission and to control customers inside premises and at outdoor events.

## **9 The Prevention of Public Nuisance**



- 9.1 The licensing authority recommends that off-licences in areas associated with problem street drinking introduce reducing the strength schemes. The measures associated with such schemes aim to reduce the availability of the types of alcohol favoured by street drinkers. These should include:
- Not selling beers, lagers, ciders or perries with ABV above 5.5%;
  - Not selling single cans of beer, lager, cider or perry and no single bottles of beer, lager, cider or perry of less than 500ml.
- 9.2 The Licensing Authority recommends that a risk assessment should be carried out by applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises. Advice and assistance in undertaking this task should be sought from City Council Environmental Health Officers. Steps which should be considered include the installation of a noise limiting device to control the level of amplified music and improved sound insulation particularly to doors and windows.
- 9.3 The licensing authority recommends that where appropriate, noise limiting devices and improved sound insulation are provided in the following types of premises:

Premises in the City Centre and Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Restaurants and cafes

Premises Outside the City Centre

- Pubs and bars;
- Members' clubs
- Premises run by local community organisations
- Restaurants and cafes

**Other steps to promote the prevention of public nuisance**

- 9.4 Other steps which may be appropriate to prevent public nuisance include :
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
  - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
  - Stricter controls will be supported in areas in closer proximity to residential accommodation. (This could include off-licences and other retail sellers of alcohol).

## **10 The Protection of Children from Harm**

## **General**

10.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Local Safeguarding Children Board on each application.

### **Access by children to licensed premises**

10.2 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there has been an association at the premises with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

10.3 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licence holder.

10.4 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;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

### **Children and Cinemas**

- 10.5 Licence holders 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, unless the licensing authority has given permission following a formal authorization process.

### **Children and Public Entertainment**

- 10.6 The Licensing Authority will expect that when public entertainment events aimed at children take place on premises licensed to sell alcohol, a risk assessment takes place, appropriate measures are taken to protect children from harm, and where appropriate the Police are informed of the event.
- 10.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licence holder will ensure that an adequate number of suitable adult staff are present to control the access, egress and safety in and around the premises. The licence holder should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

### **Children and the Sale of Alcohol**

- 10.8 Since 1 October 2010, a mandatory condition is imposed on all licensed premises to adopt and implement a proof of age scheme in licensed premises. However, the licensing authority is aware, that there are premises which fail to prevent the sale of alcohol to children. It will therefore take whatever opportunity arises to ensure that the licensing objective of protecting children from harm is promoted.
- 10.9 The Licensing Authority supports as best practice that licensed premises adopt and sign up to the "Challenge 21" scheme that is administered by the Police and Trading Standards. The licensing authority supports PASS cards complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium as the most effective means of proving age.

### **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

- 10.10 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

## **11 Integrating strategies**

11.1 The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

### **Crime Reduction Partnership**

11.2 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Leicester a safe and attractive city in which to live, work, study and socialise.

11.3 In making decisions, the Licensing Authority will consider the Safer Leicester Partnership Strategy, especially relating to,

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

### **Planning**

11.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Applicants must bear in mind the need for both planning permission and an appropriate licence, and are encouraged to seek planning permission first.

11.5 The Licensing Committee is not bound by decisions of the Planning Committee, and vice versa.

### **Leicester's Cultural Ambition**

11.6 Leicester's Cultural Ambition is to build on our international connections, magnify our originality and bring people together. It will create a thriving global city where people flourish, where opportunities are created, where 'We Are Leicester'.

11.7 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises *the right of everyone to take part in cultural life* and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

11.8 The City Council has sought premises licences for selected public spaces in the community in its own name. This includes, for example, green spaces, parks, city centre squares etc. Performers and entertainers require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.

11.9 This licensing policy will operate in the spirit of the Cultural Ambition Statement and the ICESCR. In doing so it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance

between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

11.10 In order to maintain this balance the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- seek to create an environment which minimises nuisance and anti social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right

### **Building Control**

11.11 The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

11.12 Where a licence is applied for or exists and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licence holder should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

11.13 Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire and Rescue Service, which triggers their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and enforcement of risk assessments.

### **Promotion of Equality**

11.14 In developing this strategy, the Licensing Authority has paid due regard to its responsibilities under the Public Sector Equality Duty (PSED), Section 149 of the Equality Act 2010. The aims of the PSED are to: eliminate unlawful discrimination; promote equality of opportunity, and foster good relations between different groups of people. The PSED requires us to give consideration to these protected characteristics: age, disability, gender

reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

11.15 The aims of the Licensing Act cited in paragraph 2.2 of the Statement of Licensing Policy support a series of outcomes for local residents that are similar in nature to one of the equality outcomes cited in the Equality and Human Rights Commission's equality measurement framework – that of safety. Therefore this equality consideration underpins the licensing policy.

11.16 The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

**Protection of vulnerable people:**

- The licensing objective of protecting children from harm will be promoted.
- Action will be taken to ensure the safety of vulnerable people in licensed premises.

**Promotion of good relations:**

- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

**Access to information about licensing:**

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.

11.17 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. If and when this proximity has an impact on the promotion of one of the licensing objectives this will be given consideration by the Licensing Authority and appropriate action taken when required.

**Disabled Access**

11.18 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences as they are already stipulated within the Equality Act 2010 for premises. The Licensing Authority will remind operators of premises of their duties under the Equality Act 2010.

**Transport**

11.19 Transport Strategy is set out in the Local Transport Plan (LTP).

11.20 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport

(bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the City Centre is naturally one of these locations, particularly with regard to public transport.

11.21 A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the City Centre quickly, safely and efficiently.

11.23 Taxis play a key role in filling in gaps in public transport services and offering a flexible, accessible door-to-door service. The City Council's aim is to improve the provision of ranks and investigate the use of innovative systems to manage the use of ranks taking into account customer need, balancing supply around the City Centre and minimising the need for kerb-side space.

## **12 Duplication**

12.1 The Authority will avoid duplication with other regulatory regimes (eg the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.

12.2 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.

## **13 Standardised Conditions**

13.1 Conditions may only be attached to premises licences and club premises certificates

- in order to implement the relevant operating schedule,
- following a hearing where a relevant representation has been upheld, or
- following a review hearing where the grounds for review have been upheld.

13.2 The Licensing 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 promotion of one or more of the licensing objectives.

13.3 However, to aid administration the licensing authority maintains a list of standard conditions on its website which details appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

## **14 Personal Licences**

- 14.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.
- 14.2 Every sale of alcohol at a licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.
- 14.3 When applying for a personal licence, the Licensing Authority require applicants to produce acceptable evidence of their criminal record status. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.
- 14.4 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

## **15 Temporary Event Notices**

- 15.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice (TEN) being served on the Licensing Authority, with copies to the chief officer of police and the noise team of the City Council, ten working days before the event. The chief officer of police or the noise team may object to the event if they are satisfied that one or more of the licensing objectives may be undermined.
- 15.2 The Licensing Authority considers that it is important that the police and the noise team have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.
- 15.3 The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.
- 15.4 If the police or noise team object to a TEN a hearing will be necessary. The possible outcomes following a hearing are to allow the event to proceed as requested, to impose conditions from an existing licence that applies to the



premises concerned, or to give a counter notice to stop the event.

- 15.5 The police or the noise team may agree with the premises user that a TEN should be modified, eg, the times or the activities. This can be done without a formal hearing.
- 15.6 Late temporary event notices may be given between 5 and 9 working days before the event. If any representations are received there is no opportunity for a hearing and the event may not go ahead.

## **16 Enforcement**

- 16.1 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.
- 16.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police and other enforcement agencies as appropriate.
- 16.3 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.
- 16.4 Enforcement activities will include operations designed to:
- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the 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 misuse

## **17 Live Music, Dancing, Theatre, Circuses and Street Arts**

- 17.1 The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 17.2 The Licensing Authority recognises that there is a need to encourage and

promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

17.3 Where the entertainment consists of the performance of a play, showing of a film or unamplified live music, between the hours of 8am and 11pm, and to an audience of less than 500, a licence may not be necessary.

## 18 Other permissions

18.1 This Licensing Policy deals with the requirements of the Licensing Act 2003. However, individual applicants may also require permission from other sections of the City Council or from outside bodies. More information is available on the City Council's website – [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) .

## 19 Delegation of Functions

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

- Application for a personal licence where there has been a police objection;
- The review of a premises licence or club premises certificate;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police or noise team objection to a temporary event notice.

19.1 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 premises supervisor;
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

19.2 The relevant Divisional Director will determine all other matters.

## 20 Period of Validity & Review

20.1 This statement of licensing policy will come into force on **7 February 2016** and be valid for five years.

20.2 The policy will be kept under review during the period of validity and if necessary amendments made.

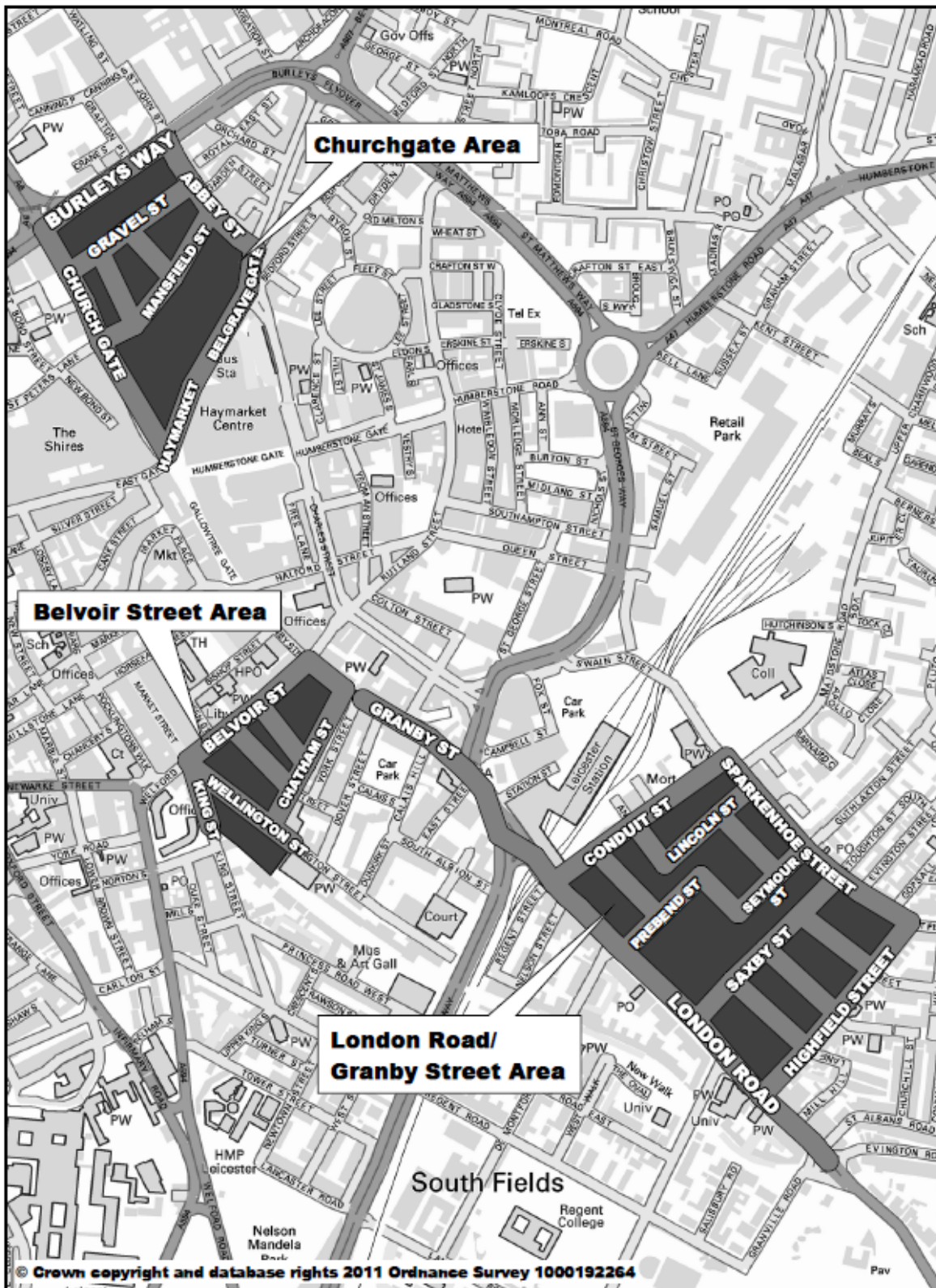
20.3 Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

## **Area of Special Policy on Cumulative Impact**

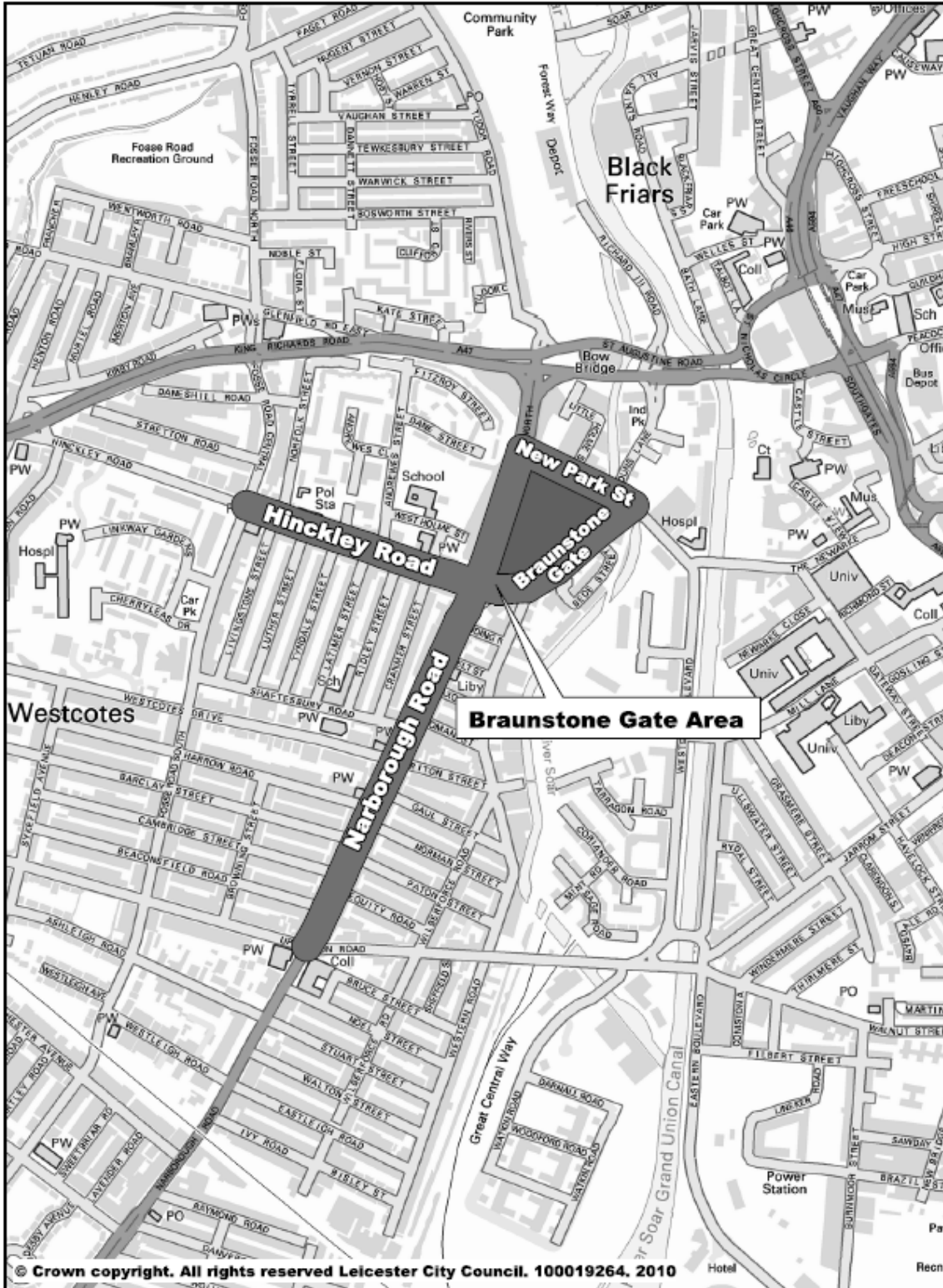
See plans for:

- Churchgate area
- Belvoir Street area
- Braunstone Gate area
- London Road/Granby Street area (off licences only)

### Proposed City Centre Cumulative Impact Areas



### Proposed Braunstone Gate Cumulative Impact Area



<p>1. Where a premises is not served by public transport the policy should take steps to ensure adequate parking.</p> <p>In particular the Marten Inn on Martin street is causing disruption and danger due to antisocial parking by customers.</p>	<p>Parking cannot be dealt with by Licensing Act powers</p>
<p>2. I think there should be greater powers for licencing to change conditions for individual premises with immediate effect, also every bar/club should have to sign up to city watch.</p>	<p>This would require a change in legislation rather than a change in policy</p>
<p>3. Health is a responsible authority yet has not been part of the group drafting the proposed policy and is not listed as one of the relevant bodies to be consulted regarding any further review (paragraphs 1.1 and 1.2)</p> <p>As it stands the draft policy is not explicit with regards to how it supports the coporate objectives of the council particularly in relation to the councils duty to promote and protect the public's health and wellbeing but also with regard to the manifesto commitments for a healthy leicester , builidng pride in our neighbourhoods and stronger communitites and a city of culture.</p> <p>A general introduction to the policy, which reflects the aspiration of the policy to support the overall vision for the city as somewhere that is vibrant and safe for everyone and which promotes the wellbeing of it's citizens would be welcome.</p> <p>The policy would benefit from a statement that stresses the councils commitment to widening the choice and appeal of licensed premises, and the development of culture and the protection of local residents.</p> <p>I would like to see a statement that says that the council wishes to discourage drunkenness and would encourage the provision of more seating, in place of vertical drinking establishments.</p> <p>A more explicit statement should be included that sets out the councils expectations that license holders act as responsible retailers of alcohol (this could be demonstrated by not having irresponsible promotions, having staff trained to recognise and deal with people who's immediate health and</p>	<p>There has not been a group involved in drafting the policy. This is a review of the current policy. Health were consulted directly as part of the review and this will be noted in the revised policy.</p> <p>The policy is about how the Council intends to promote the Licensing objectives as set out in the Act. Health is not unfortunately on of the Licensing objectives, nor are the other areas mentioned.</p> <p>This could be potentially dealt with in a foreword to the revised policy.</p> <p>There is a concern that the policy should not make commitments that are outside the remit of the Licensing Act and so the policy cannot influence.</p> <p>The Council's views on vertical drinking establishments can be included in a foreword to the policy.</p> <p>Irresponsible drinks promotions are already covered by mandatory licence conditions. Health and safety is covered by personal licence holder training.</p>

	safety might be at risk from too much alcohol	
4.	Authority should take steps to ensure that the rights of city centre residents are respected. There is currently NO consideration given to noise levels in the Cultural Quarter, no public signs telling people to respect the fact they are in a residential neighbourhood, Athena takes no notice at all of any sensible limits on noise, etc	Section 9 deals with preventing public nuisance.
5.	We question the net value of the nighttime economy to the City. The trade in alcohol - which is at the heart of the nighttime economy - brings with it significant costs in terms of public health, policing, emergency health services, antisocial behaviour, littering, noise and public nuisance. We wonder whether the City's economy gains to any significant or appreciable degree. There is plenty of research to show that employment in the nighttime economy tends to be precarious and poorly paid. Much of the profit generated by the businesses involved tends to flow out of the City because the businesses involved are headquartered elsewhere. We believe Leicester needs a more coherent approach to licensing that reduces licensing hours so that 2am becomes the latest closing time for all licensed premises. The granting of later licences should be the exception rather than the norm. If the Council is committed to the idea that the City should be a place of residence as well as a place for leisure and enjoyment it must balance the needs of residents alongside the needs of business.	<p>Economic considerations are outside the scope of the Licensing Act.</p> <p>Powers exist to impose a 2am closing time across the City, if the council wishes to use them. This would be in the form of an EMRO. The introduction of an EMRO need not be included in the Council's licensing policy.</p>
6.	<p>Street drinking is an issue that is simply being pushed elsewhere or potentially criminalising people, who may not be a nuisance, but are in fact drinking on a street.</p> <p>The root problem is availability of alcohol at all hours of the day.</p> <p>E.g. I set off to work at 8am. At 8:10 at my bus stop there will be a small crowd gathered outside the local gambling shop, already drinking. I reach town (8:30) and walk towards my place of work and encounter a severely drunken individual relieving himself in the street. At lunchtime I walk to the local shop for lunch and in passing the park there are a group of individuals relaxing and drinking on the grass.</p>	<p>The Council cannot have an aim to reduce the hours during which alcohol is available except by the introduction of an EMRO. See above. An EMRO can only have effect between midnight and 6 am. This would not be effective in relation to preventing street drinking. The council has introduced a public spaces protection order to deal with drinking in the street. This is being monitored by the council to determine its effectiveness.</p>

	<p>I leave work and wait for the bus, on humberstone gate. There I can witness anything from the God-awful drunken karaoke hosted at The Fountain Pub, a fight occurring outside the black lion or a leering individual awaiting the same bus as me who will inevitably stagger and slur his way onto the bus.</p> <p>Please note that none of these individuals have caused me any harm or upset, however, if the council are of the opinion that this behaviour is a problem then the solution is to remove the ability to obtain alcohol throughout the daytime hours.</p> <p>Not to punish the proprietors or the person individually.</p>	
7.	<p>We are pleased that the authority is not pressing for a late night levy which has had a detrimental effect on night life in other cities.</p>	Noted
8.	<p>I think the propose draft if approved and implemented Will work well</p>	Noted
9.	<p>Paragraph 8 - Public Safety - Premises licenses for Regulated Entertainment - STATES THE FOLLOWING</p> <p>8.1 refers to the Regulatory Reform (Fire Safety) Order 2005 and states that the authority ""does not intend to duplicate requirements" of this provision. - this is understandable, however, it would be beneficial if this paragraph could be expanded to incorporate more specific guidance, as this is a fundamental part of ensuring that the premises has given adequate consideration to this aspect of public safety.</p> <p>8.2 goes on to advise on safety issues relating to significant numbers of people in a venue and advises that the authority supports "measures designed to promote public safety in this context. This may include:"</p> <p>"Setting a capacity limit for all, or separate parts ,of the premises"</p> <p>"The provision of staff to control admission and to control customers inside premises and at outdoor events".</p> <p>The RRO requires that licenses premises complete</p>	<p>The Licensing Act cannot be used to deal with fire safety issues. Licensed premises are required to deal with a whole range of legislative requirements and it is suggested that it would be inappropriate to try to list these, rather the policy should focus on the implementation of the Licensing Act.</p>



	<p>a Fire Risk Assessment and this should include an assessment of occupancy figures and how they will be managed. I would therefore suggest that the following wording or something similar is added to the Licensing Policy:</p> <p>"Premises and their operators must comply with current fire safety regulation orders. Licensed premises are therefore required to ensure that a Fire Risk Assessment is completed which included details of occupancy figures together with calculations as to how the documented figures have been arrived at, and how occupancy numbers will be maintained at the stated level"</p> <p>It would also be beneficial if the license application form included similar guidance as this is a fundamental part of ensuring that the premises has given adequate consideration and provided adequate measures with regards to the licensing objective of public safety.</p> <p>Paragraph 11:14 - Building Control -</p> <p>This paragraph states that "a copy of the second certificate is sent to the Fire and Rescue Service, which triggers their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and enforcement of risk assessments" .</p> <p>This statement is a little misleading as it implies that we inspect all licensed premises to enforce the risk assessment as soon as a completion certificate is received and this is not the case. I would therefore suggest that the words " and enforcement of risk assessments" is removed.</p>	<p>This recommended amendment will be made.</p>
10	<p>Venues need to have zero tolerance to harassment of all kinds, particularly sexual harassment. It puts people off using those venues and ultimately if a venue does not take serious action against incidents inside their venue then they need to re-evaluate their priorities.</p>	<p>Sexual harassment is not an issue that can specifically be dealt with under the Licensing Act, although public safety is a licensing objective which is addressed in Section 8.</p>

## Note

The above comments were received as part of the online consultation and are from members of the public except:

Comment 3 is from Julie O’Boyle – Consultant in Public Health – Leicester City Council

Comment 9 is from Leicestershire Fire and Rescue Service