

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING ACT 2003

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. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined in paragraph 1.2 below.

It 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 premise 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 licences for the sale of alcohol, public entertainment, theatres, cinemas and late night refreshment
- persons representing holders of clubs registered under the Licensing Act 1964
- bodies representing businesses and residents in its area
- other groups that the Licensing Authority has 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 late night refreshment (the supply of hot food between 11.00pm and 5.00am)
- 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.

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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, the premises, and the direct impact they have on nearby residents and businesses.
- 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. However, the LA expects every holder of a licence, certificate or permission to be responsible for minimizing the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

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. “Need” concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy. “Need” is a matter for planning committees and for the 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 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.
- 3.3 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.
- 3.4 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.

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- 3.5 The effect of adopting a special saturation policy is to create a reputable presumption that applications for new premises licences will normally be refused. However, even if a special saturation policy were adopted an application would be approved if a valid representation were not made. Conversely, if a special saturation policy were not adopted, a representation that the proposal would be detrimental to one of the licensing objectives because of a cumulative impact could still be valid.
- 3.6 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.
- 3.7 The authority will review any special saturation policy every 3 years in line with a review of this policy statement.
- 3.8 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 or modifications to a licence except where those modifications are directly relevant to the policy.
 - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.
- 3.9 Having had regard to the legislation, guidance, representation from the Leicestershire Constabulary and following the necessary consultation, the Licensing Authority has determined that a special saturation policy should apply in respect of Ashby de la Zouch town centre. For the purposes of this policy the town centre is defined as that area bound by North Street, Lower Church Street, South Street, Bath Street and Derby Road. Premises fronting these roads are deemed to be within this area. In arriving at this decision the Licensing Authority has followed the stages referred to in para 3.4. The outcomes of this determination are set out in paragraphs 3.5 and 3.6 above.
- 3.10 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 for instance:
- planning controls;

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- 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 a local resident or business to seek a review of the licence or certificate in question.

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 During the course of the consultation exercise, concern was expressed over problems resulting from sales of alcohol for consumption off the premises, particularly where that consumption takes place in public places and often by minors. The Licensing Authority is mindful of other measures to combat this problem but where it is established that a problem is associated with a particular outlet or a number of outlets the Authority may consider the imposition of trading limits as an appropriate measure.

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- 4.5 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. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation. (See also paragraph 8.2).
- 4.6 Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

5 Promotion of the Licensing Objectives

- 5.1 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 its role with other strategies of the council.
- 5.2 Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives. 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. The relevant authorities are:
- Prevention of Crime and Disorder – Leicestershire Police, North West Leicestershire Crime & Disorder Reduction Partnership
 - Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the local authority's Environmental Health Officers with responsibility for Health & Safety
 - Public Nuisance – the local authority's Environmental Health Officers with responsibility for Pollution Control
 - Protection of Children from Harm – Leicestershire Area Child Protection Committee, Leicestershire Police.
- 5.3 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.nwleicestershire.gov.uk/????????????????????>

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5.4 The following sections consider a range of measures available to the Licensing Authority in promoting the licensing objectives. In undertaking the statutory consultation exercise, views were sought from consultees on the importance of these measures in promoting the licensing objectives. From the responses it was clear that none of the measures were felt to be unimportant but some will be more relevant to certain types of licensed premises and the location within which they are operating. For example, some measures will be more relevant in a town centre location rather than a rural setting. It is for the applicant to decide which of these are appropriate for inclusion in the Operating Schedule for the premises based on the exact circumstances involved. In turn, the Licensing Authority will take these measures into account in promoting the licensing objectives, when undertaking the functions identified in 5.1 above.

6 The Prevention of Crime and Disorder

6.1 The Licensing Authority will support the inclusion in operating schedules of the following steps to promote the prevention of crime and disorder. It will also consider requests made by responsible authorities that conditions be applied to licences to require those steps:

6.2 Prohibiting the sale of alcohol in bottles for consumption on the premises to prevent their use as weapons

6.3 Prohibiting alcohol in open containers being taken from premises - This approach will discourage drinking in the streets and will also prevent the use of these containers as offensive weapons.

6.4 Requiring drinking vessels to be plastic or toughened glass

6.5 Prohibiting irresponsible drinks promotions - 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. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to a person who is already drunk is an offence under the Act. The incidence of drunk people present at a premise may provide an indication that the marketing and sale of alcohol at the premise is not being approached in a responsible way.

6.6 Requiring the provision of CCTV surveillance equipment particularly in town centre locations and other large venues. The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Any system should be installed and maintained on advice from the Leicestershire Police Crime Prevention Officer.

6.7 Requiring the provision of text pagers to connect premises supervisors,

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particularly in town centre locations to the police.

- 6.8 Appropriate measures to prevent overcrowding in parts of the premises.
- 6.9 The provision of staff to control admission and to control the public inside the premises. When such staff are engaged they will need to be licensed by the Security Industry Authority.
- 6.10 Appropriate measures to prevent drugs misuse.

7 Public Safety

- 7.1 The Licensing Authority will support the inclusion in operating schedules of the following steps to promote public safety. It will also consider requests made by responsible authorities that conditions be applied to licences to require the following steps:

Premises Licensed for Regulated Entertainment

- 7.2 Premises licensed for regulated entertainment including cinemas and theatres are subject to a range of legislative requirements and regulatory regimes such as Health and Safety. The Licensing Authority does not intend to duplicate requirement of existing statutory provisions, however the premises will be expected to ensure a level of compliance that promotes public safety.
- 7.3 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 will include:
 - Setting of a capacity limit for all, or separate parts of the premises
 - The provision of staff to control admission and to control the public inside the premises, particularly in town centre locations and at outdoor events

Cinemas and Theatres

- 7.4 Appropriate measures to promote public safety in respect of the nature of these venues.

Dance Venues

- 7.5 The culture of dance venues is such that special consideration must be given to the steps required to promote public safety and prevent crime and disorder. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance in the "Safer Clubbing Guide" published by the Government and available for download from the Licensing Authority's website <http://www.nwleics.gov.uk/?????>.
- 7.6 Other measures that would be supported are:

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- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of air conditioning and ventilation
- Making drinking water freely available at drinking fountains or in freely available plastic containers to help prevent dehydration and overheating.
- Searching of customers before entry in accordance with the Leicestershire Constabulary's Code of Practice on Searching and Licensed Premises. This will be aimed at preventing drugs or offensive weapons being brought into premises.

8 The Prevention of Public Nuisance

- 8.1 The Licensing Authority will support the inclusion in operating schedules of the following steps to promote the prevention of public nuisance. It will also consider requests made by responsible authorities that conditions be applied to licences to require the following steps. The Licensing Authority considers that a risk assessment should be carried out by applicants for premises licenses and club premises certificates to determine the potential effect on neighbouring premises
- 8.2 Limitation on hours of operation where necessary to prevent nuisance and disturbance. The Licensing Authority is conscious that whilst it is unable to impose a blanket terminal hour, it would expect licensees to have regard to their local environment, particularly where the premises are situated in a predominantly residential area, in setting their trading hours in their operating schedules.
- 8.3 Measures to reduce noise and vibration emissions from premises
- 8.4 Measures to prevent noxious smells
- 8.5 Measures to reduce light pollution, particularly at nightclubs in non town centre locations.
- 8.6 Steps to prevent noise, disturbance and anti-social behaviour from people arriving and leaving the premises. In this regard the Licensing Authority would suggest that in preparing operating schedules consideration be given to
- (i) the provision of courtesy signs, to encourage patrons and staff to leave the premises quietly. This is particularly relevant between 10.00 pm and 7.00 am.
 - (ii) the setting of a "drinking-up time".
 - (iii) the provision of "chill out" facilities offering hot beverages, soft drinks and food particularly at town centre venues.
- 8.7 Steps to reduce litter in the vicinity of the premises, particularly in respect of late night refreshment establishments.

9 The Protection of Children from Harm

General

- 9.1 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 Area Child Protection Committee on each application.
- 9.2 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.
- 9.3 The licensing authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. 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 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).
 - Where the sale/supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.
- 9.5 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);

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- 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 18 from the premises when any licensable activities are taking place.

Children and Cinemas

9.6 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

9.7 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 minimum number of staff required will be one for every 50 children or part thereof. The licensee should make an assessment of whether additional staff are required, taking 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.

Proof of Age Cards

9.8 The Licensing Authority supports the adoption of proof of age cards as a means of preventing under age drinking. It recommends that any premises licensed to sell alcohol requires proof of age from any person where there is any doubt as to whether they are over 18. The LA would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium. Following local consultation this was seen particularly relevant to premises selling alcohol for consumption off the premises.

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

9.8 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It will seek to ensure that

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premises licensed for the sale of alcohol comply with the code.

Illegal sales of alcohol for persons under 18 years of age

- 9.9 Leicestershire County Council Trading Standards Service and the Police take a very serious view on the illegal sale of alcohol and other age-restricted goods. The Trading Standards Service will continue to seek to ensure that there are no illegal sales of alcohol and other age-restricted goods and they see the new licensing regime as a potentially effective way of tackling this issue.
- 9.10 The sale of alcohol to minors is a criminal offence and Leicestershire County Council Trading Standards Service have, over time, worked to advise the off-licensed trade in particular about how to set up systems to avoid sales taking place. Trading Standards will continue to regularly conduct covert test purchasing exercises with volunteers in response to complainants and local intelligence. Trading Standards have been successful in bringing a number of prosecutions in recent times, having particular regard to the link between alcohol and a range of crime and disorder issues, and this continues to be a concern of the Council under the new Licensing Act 2003.
- 9.11 The Licensing Authority expects applicants for licences to demonstrate that they have ensured that all their frontline staff have received adequate training on the law with regard to age restricted sales and that this had been properly documented and training records kept. Ideally, suitable training material should be issued to all staff and their understanding of the material checked through appraisals and by means of a short written test. Group training sessions amongst all staff are to be encouraged in order to discuss compliance with the legislation. Records of the material issues, appraisal meetings and any tests taken must be kept on the premises in the employees personnel file and must be made available for inspection by the Licensing Officer, Trading Standards or the Police if requested. Training will need to be refreshed periodically.
- 9.12 The Licensing Authority expects staff training to include a basic understanding of the law and must include a requirement of checking identification (ID) for proof of age, where appropriate, through a secure system. The Licensing Authority supports the adoption of proof of age cards as a means of preventing under age drinking. It recommends that any premises licensed to sell alcohol requires proof of age from any person where there is any doubt as to whether they are over 18. The LA would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium. Following local consultation this was seen particularly relevant to premises selling alcohol for consumption off the premises. Other cards must be treated with caution because some have been shown to be insecure. The Licensing

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Authority expects that training for staff will also need to ensure that they are capable of challenging purchasers. Trading Standards find that some employees engaged in selling alcohol are incapable of confronting and challenging the under 18s because they lack the confidence to do so and are concerned at the prospect of a dispute. Employees who are not prepared to challenge in this way are unsuitable and should not be given responsibility for selling alcohol.

- 9.13 Employees themselves must be over 18 years of age to sell alcohol, unless the sale is authorized by someone who is over 18. If a sale is authorized in this way, the person making the authorization is also responsible for ensuring that the purchaser is over 18.
- 9.14 The Licensing Authority will actively encourage licensees to keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards of the Police.
- 9.15 Particularly in premises where alcohol is not the main product sold – for example, food retailers and corner shops – the Authority will actively encourage the use of warning messages where an EPOS (electronic point of sale) system is in use. Such a warning system is of help to employees and it will prompt them to check the age of purchasers of alcohol or other age restricted products that are presented at the check out.
- 9.16 In relation to pubs, restaurants and clubs, the Licensing Authority will actively encourage licensees to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged.
- 9.17 The work of Leicestershire County Council Trading Standards Service will continue to take place under the new Licensing regime. The Licensing Authority will take a very serious view of any transgression reported to it, whether or not a successful prosecution results, under the provisions of the Licensing Act 2003 or any other Trading Standards legislation.

10 Integrating strategies

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

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Crime Reduction Partnership

10.2 The Licensing authority recognises its responsibility to address issues relating to crime and disorder and are committed to working together, with other partners, to make North West Leicestershire a safe and attractive area in which to live, work, study and socialise.

10.3 The Licensing Authority, in making decisions will consider the North West Leicestershire Partnership in Safer Communities Crime & Disorder Reduction 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

10.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Licensing applications will not be a rerun of any planning application and licensing decisions will not cut across decisions taken by the Planning & Environment Group or permission granted on appeal.

10.5 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. Any planning consideration should therefore be resolved first.

Cultural Strategy

10.6 "Growing Together" is North West Leicestershire's Cultural Strategy setting out the common vision and shared goals for all those involved in the cultural life of the area. The District Council is committed to its implementation working through the Cultural Strategic Partnership.

10.7 Growing Together concerns itself with the social well-being of the residents of North West Leicestershire and covers a range of leisure and recreational activities, things like sports, arts, heritage and museums, parks, play and open spaces, countryside access, tourism, libraries, literature, architecture, media and design.

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10.8 Growing Together has a common vision for the area:-

“To make North West Leicestershire a great place to live, where culture is central to people’s lives and where equality of opportunity for participation embraces the heritage of the area, celebrates local tradition, strengthens sustainable communities and fosters a healthy lifestyle”

The strategy development process has identified six key themes, each with a range of challenges and objectives:-

1. Partnerships – to enhance cultural access
2. Strengthening communities
3. Improving health and well-being
4. Children and young people
5. Building a cultural and creative economy
6. Celebrating our diversity and heritage

10.9 This Statement of Licensing Policy will operate in the spirit of the Cultural Strategy. 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 in the development of sustainable communities.

10.10 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 licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licenses do not deter live music, festivals, theatre, sporting events etc by imposing unnecessary restrictions
- seek to ensure that conditions attached to licenses 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

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

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- 10.12 Where a Licence is applied for or exists and that any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owners / licensees should ensure that before opening to the public, Building Regulations consent has been granted in full and that Completion certificates have been issued.
- 10.13 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 Service, which triggers their responsibilities under the Work Place Regulations and enforcement of Risk Assessments.

Promotion of Equality

- 10.14 In developing this strategy, the Licensing Authority has recognized its responsibility, under the Race Relations Act 1976, to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. It has therefore considered and consulted on the likely effect of this policy on these objectives.
- 10.15 This Statement of Licensing Policy therefore supports and is supported by the Licensing Authority's Race Equality Scheme

Disabled Access

- 10.16 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Disability Discrimination Act 1995. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the service by a reasonable alternative means.

Transport

- 10.17 The Transport Strategy is set out in the Local Transport Plan (LTP) produced by the Leicestershire County Council. The current LTP runs until 2005/6 and the next LTP is currently being prepared for submission to Government in July 2005.

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10.18 The plan sets out the main proposals for achieving an integrated transport system to tackle the adverse impacts of traffic growth. It also seeks to make it easier for people to get to jobs, colleges and shops and other places which can be particularly difficult to reach without a car or with some form of disability. The intention is to encourage greater use of public transport, walking and cycling by making these more attractive. Another key aim is to reduce road casualties.

10.19 The future focus for bus service development in this area is likely to include

- Further development of rural services to meet access needs cost effectively
- Enhancing town services in Ashby and Coalville to provide access and offer an attractive alternative to the car
- Further development of inter-urban services, with improved interchange to give greater opportunity for journeys further afield using the public transport network

10.20 Taxis and private hire vehicles provide a useful role in transporting people particularly at times when bus services are not well provided. In conjunction with the County Council, taxi ranks have been provided in Market Street, Ashby de la Zouch and in parts of Coalville. Two key areas where such provision is required to meet late night demand for transport

11 Duplication

11.1 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.

11.2 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.

11.3 Accordingly, operators of licensed premises will have to comply with other legislation dealing with, for example, planning, environmental health, fire safety and building control.

12 Standardised Conditions

12.1 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 achievement of one or more of the four licensing objectives.

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- 12.2 However to aid administration, attached to this statement at Appendix # are pools of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.
- 12.3 A number of conditions are mandatory and are required to be applied to licences. These relate to the requirement for a designated premises supervisor where alcohol is to be sold, preventing under age admission to age restricted films and the requirement that door supervisors are registered with the Security Industry Authority. These are set out in Sections 19, 20 and 21 of the Licensing Act 2003.

13 Personal Licences

- 13.1 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, which would indicate their unsuitability.
- 13.2 Every sale of alcohol at a licensed premises is required to be authorized by a personal licence holder. Because of the importance of their role, the Licensing Authority would expect 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.
- 13.3 When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Criminal Record Bureau certificate. 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.
- 13.4 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.

14 Temporary Event Notices

- 14.1 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 being served on the Licensing Authority, with a copy to the chief officer of police, ten working days before the event. The chief officer of police may object to the event if he is satisfied that the crime prevention objective would be undermined.
- 14.2 The Licensing Authority considers that it is important that the police have sufficient time to 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 taken place.
- 14.3 Whilst the Licensing Authority recognize that 10 working days is the minimum notice that may be given in respect of temporary event notices, the Licensing Authority would encourage such notices to be given as a minimum 28 days before and as a maximum 8 weeks before such as an event in due to take place.

15 Enforcement

- 15.1 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.
- 15.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 15.3 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.
- 15.4 Enforcement activities will include operations designed to:
- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in this Statement of Licensing Policy, and the requirements of the Licensing Act 2003 itself;
 - Ensure 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

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- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug abuse

16 Live Music, Dancing and Theatre

16.1 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.

16.2 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.

17 Delegation of Functions

17.1 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;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police objection to a temporary event notice.

17.2 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

17.3 The Manager of Central Support or duly authorised officer will determine all other matters.

18 Period of Validity & Review

18.1 This statement of licensing policy will come into force on **7 February 2005** and be valid for three years.

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- 18.2 The policy will be kept under review during the period of validity and if necessary amendments made.
- 18.3 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.