

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 8 SEPTEMBER 2010

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| Title of report | REVIEW OF STATEMENT OF LICENSING POLICY |
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| Purpose of report | To consult with the Licensing Committee on the draft Statement of Licensing Policy |
| Strategic aims | Strong and Safer Communities Prosperous Communities |
| Implications: | |
| Financial/Staff | All resources employed in the implementation of the Statement of Licensing Policy must be recovered via Licensing Act fees and charges |
| Link to relevant CAT | Safer CAT |
| Risk Management | If target dates are not met, North West Leicestershire District Council will be in breach of its statutory duty under the Licensing Act 2003. |
| Equalities Impact Assessment | Equality impact assessment already undertaken, issues identified actioned. |
| Human Rights | None |
| Transformational Government | Not applicable |
| Comments of Head of Paid Service | Report is satisfactory |

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| Comments of Section 151 Officer | Report is satisfactory |
| Comments of Monitoring Officer | Report is satisfactory |
| Consultees | As required under section 5(3) of the Licensing Act 2003 Listed at Appendix 1. |
| Background papers | DCMS - Guidance issued under Section 182 of the Licensing Act 2003 – March 2010 |
| Recommendations | TO CONSIDER AND COMMENT ON THE DRAFT STATEMENT OF LICENSING POLICY PRIOR TO CONSIDERATION BY CABINET ON 19 SEPTEMBER 2010 AND CONSIDERATION AND ADOPTION BY COUNCIL ON 26 OCTOBER |

1.0 Background

- 1.1 Section 4 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every three years. The policy must be published before the authority carries out any function in respect of individual applications made under the 2003 Act. The current policy expires on 6 January 2011 and the new one must be agreed by the full Council before it comes into force on 7 January 2011. There is no flexibility in these deadlines.
- 1.2 The Secretary of State for Culture, Media and Sport must issue and, from time to time, may revise Guidance to Licensing Authorities on the discharge of their functions under the 2003 Act. The Licensing Authority must have regard to the Secretary of States' Guidance when making and publishing its policy.

2.0 Draft Statement of Licensing Policy

- 2.1 The draft statement of Licensing Policy explains how the Licensing Authority will carry out its role under the Licensing Act 2003. The statement may be used:
- As a guide by members of the Licensing Authority in their decision making;
 - To 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;
 - To inform residents and businesses about how applications will be viewed and how their needs will be addressed;
 - To support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

2.2 A copy of the draft Statement of Licensing Policy due to commence on 7th January 2011 can be found at Appendix 2. Following the review of the policy and the consultation exercise no significant amendments have been made to the policy statement.

3.0 Ashby de la Zouch Special Policy

3.1 The special policy relating to Ashby de la Zouch town centre was initially adopted in November 2005 following evidence that crime and disorder was happening in the town centre and was caused by the customers of licensed premises. It was originally instigated during November 2005. It was reviewed twice during 2007 as part of the renewal of the Statement of Licensing Policy. To date no criticism has ever been received regarding the introduction, implementation or continued existence of the policy.

3.2 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the cumulative impact on one or more of the licensing objectives will normally be refused.

3.3 The statutory guidance requires a licensing authority to follow a number of steps in considering whether to adopt a special policy within the statement of licensing policy. Those steps are to:

3.3.1 Identify concern about crime and disorder or public nuisance

3.3.2 Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent

3.3.3 Identify the boundaries of the area where problem are occurring

3.3.4 Consult and subject to the outcome of the consultation include and publish details of special policy in licensing policy statement

3.3.5 Officers are fully aware of the challenges that can be created by the night time economy in Ashby de la Zouch town centre. The density of pubs and takeaways can cause friction between consumers leading to increased levels of crime, disorder and nuisance. The town centre is well policed by the Leicestershire Constabulary but any increase in licensed premises likely to add to these problems would make their job even harder.

3.3.3 The boundary of the current Ashby de la Zouch Special Policy remains the only sensible boundary that can be applied to the policy. Reducing it would make it difficult to 'police' and extending would be not be warranted as the scope for building more licensed premises is virtually nonexistent.

3.4 Review of the Special Policy

3.4.1 The main aim of the policy is to control the impact licensed premises and prospective licensed premises have on the promotion of the licensing objectives i.e. crime, disorder, public nuisance and harm to children. It also aims to ensure that applications which may add to the levels of crime and disorder and nuisance are refused.

- 3.4.2 LPU Commander Inspector Christopher Brown has stated that levels of recorded crimes of assault, damage, public order and robbery on the Ashby beat between 6pm and 8am remain to be a concern.
- 3.4.3 LPU Commander Inspector Christopher Brown has stated that the present saturation policy has played a significant positive effect on the Community, with overall crime figures remaining controllable but finely balanced.
- 3.4.4 No other consultees either supported or objected to the retention of the special policy.
- 3.4.5 Based on the evidence received and the experiences of Licensing Officers it is the view of the Authority that the adoption of this special policy has been a useful tool in controlling and reducing the number of recorded crimes in Ashby de la Zouch town centre. It is the view of the Authority that it is still necessary and appropriate for the policy to remain in place to ensure that the momentum in controlling recorded crime and disorder is not lost or weakened.

4.0 Consultation

- 4.1 Before a licensing authority can publish its policy it must consult with bodies/persons listed in section 5(3) of the 2003 Act. They are as follows:
- the Chief Officer of police for the area;
 - the fire and rescue authority for the area;
 - persons/bodies representative of local holders of premises licences;
 - persons/bodies representative of local holders of club premises certificates;
 - persons/bodies representative of local holders of personal licences;
 - persons/bodies representative of local holders of businesses and residents in its area.
- 4.2 In addition to the list of bodies/persons which must be consulted under Section 5(3) of the 2003 Act, all Parish Councils and local Councillors were included within the consultation exercise. The full list of consultees can be found at Appendix 1.
- 4.3 The consultation Guidance published by the Cabinet Office recommends a period of 12 weeks for consultation in respect of a document such as the Statement of Licensing Policy. The Guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 states that it is good practice to consult widely and follow the Cabinet Office Guidance.
- 4.4 The consultation period commenced on 10th May 2010 and ceased on 2nd August 2010.

5.0 Representations

The Licensing Authority has received three representations from consultees.

- 5.1 The first representation is received from LPU Commander Inspector Chris Brown of the Leicestershire Constabulary and is in relation to the Special Policy at Ashby de la Zouch. The letter can be found at Appendix 3 together with evidence that shows how the area stands with other similar sized policing units in other parts of the country..

5.2 Representations have been received from Kegworth and Castle Donington Parish Councils. They both thanked the Council for being involved in the consultation process and both had no comments to make. The letters can be found at Appendix 4 and 5.

6.0 Approval

6.1 A procedural irregularity by a Licensing Authority in relation to the determination of its Policy may be the subject of a challenge by way of Judicial Review to the Administrative Court.

6.2 Members confirmation is sought that the current draft Statement of Licensing Policy may be taken to Cabinet on the 19th September for Cabinet members comments, and then to full Council on 26th October 2010 for final approval and publication and to come into force on the 7^h January 2011

List of Consultees

Leicestershire Constabulary
The Chief Officer of the Fire Authority
NWLDC - Planning Department
NWLDC - Environmental Health
NWLDC - Health & Safety
Leicestershire County Council
Leicestershire Chamber of Commerce
Ashby Town Council
Ashby de la Zouch Tourist Information
Erewash Borough Council
Charnwood Borough Council
South Derbyshire District Council
Leicestershire County Council Child Protection
National Federation of Retail Newsagents
Federation of Licensed Victuallers Associations
Guild of Master Victuallers
Magistrates Association
Musicians Union
Leicestershire County & Rutland PCT
Hinckley & Bosworth Borough Council
East Staffordshire Borough Council
South Derbyshire District Council
Leicestershire Chamber of Commerce
The England & Wales Cricket Board
The Football Association
England Hockey
The Rugby Football Union
The Lawn Tennis Association
The English Bowls Association
The British Hospitality Association
Airport Operators Association
British Amusement Catering Trade Association
Bingo Association
All Private Hire Operators
Donington Park Leisure Limited
Local Pub Watches
Coalville Town Centre Manager
All Parish Councils
All District Councillors

NORTH WEST LEICESTERSHIRE
DISTRICT COUNCIL
LICENSING ACT 2003

Draft

Statement of Licensing Policy

August 2010

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Introduction

Purpose

- 1.1 This Statement of Licensing Policy explains how the Licensing Authority will carry out its role under Licensing Act 2003. The Licensing Authority will keep this policy under review and may make revisions to the document following consultation with the bodies outlined in paragraph 1.3 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.

History

- 1.2 The first Statement of Licensing Policy issued by North West Leicestershire District Council came into force on 7 January 2005. It was revised on 8 November 2005 to reflect the adoption of a Special Policy in Ashby de la Zouch and cosmetic amendments. The third policy came into force on 7 January 2008 with minor amendments. The fourth policy with further amendments came into force on the 15 January 2008. The policy remained unaltered until its expiry date on 6 January 2011.

Consultation

- 1.3 In developing this Statement the Licensing Authority has consulted with the bodies set out below, and has taken account of their views (In the final document there will be a definitive list of all those people and groups that have been consulted. The list directly below indicates those who were consulted at the last revision).

- Police
- fire authority
- persons representative of local holders of premises licences
- persons representative of local holders of club premises certificates
- persons representative of local holders of personal licences
- persons representative of businesses and residents in its area

Licensable Activities

- 1.4 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 regulated entertainment
- the provision of late night refreshment

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 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 certificate or where provision has been made for them to do so in the Licensing Act 2003.

Extent of Control

- 2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations. This means those matters occurring at, and in the vicinity of 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 authorisation concerned. However, the Licensing Authority expects every holder of a licence, certificate or authorisation 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.

Determination of Applications

- 2.7 When the Licensing Authority receives an application it will initially determine whether the application has been made properly in accordance with the provisions of the Licensing Act 2003 and the relevant regulations. Among other things the Licensing Authority will consider whether the application has been properly advertised in accordance with the regulations.
- 2.8 A hearing will not be required where an application for a new premises licence, club premises certificate or variation has been properly made and no responsible authority or interested party has made a representation. In these cases the Licensing Authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule submitted with the application and relevant mandatory conditions contained in the Licensing Act 2003
- 2.9 The responsible authorities who must be notified of applications and are entitled to make representations to the Licensing Authority in relation to an application include:
- Police
 - Fire authority
 - Enforcement agency for the Health & Safety at Work etc Act 1974
 - Environmental health department of the Local Authority
 - Local planning authority
 - Leicestershire Area child protection committee
 - Local trading standards department
- 2.10 Interested parties are the bodies or individuals who are entitled to make representations to the Licensing Authority on applications and consist of:
- A person living in the vicinity of the premises in question
 - A body representing persons living in that vicinity
 - A person involved in a business in the vicinity of the premises in question
 - A body representing persons involved in such businesses
 - A member of the relevant licensing authority

In order to be accepted by the Licensing Authority a representation must be relevant. A representation will only be relevant if it relates to the likely effect of the application on the promotion of at least one of the licensing objectives

- 2.11 A representation by an interested party cannot be accepted if it is frivolous or vexatious. The Licensing Authority will determine whether any representation by an interested party is frivolous or vexatious on the basis of the ordinary meaning of those words.

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.
- 3.2 Cumulative impact is the potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area.
- 3.3 In certain areas the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder and/or public nuisance. If this is the case the Licensing Authority may adopt a special policy.
- 3.4 The Licensing Authority in considering whether to adopt a special policy will take the following steps:
- identify concern about crime and disorder or public nuisance in the area;
 - consider whether there is good evidence that crime and disorder or nuisance are happening and caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - where it can be demonstrated that disorder or nuisance is arising as a result of customers of licensed premises, the boundaries of the disorder or nuisance of that area will be identified;
 - consult with those specified in section 5(3) of the Licensing Act 2003, and subject to the outcome of the consultation;
 - adopt a special policy, and publish details in the licensing policy statement.
- 3.5 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 3.6 The Licensing Authority recognises that this policy cannot be absolute and will continue to consider each application properly on its merit and those that are unlikely to contribute to the cumulative impact problems will be approved.
- 3.7 The presumption contained in the special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to the special policy. If no representation is received, it remains the case that any application must be granted in terms that are consistent with the operating schedule submitted.

3.8 Any special policy adopted by the Licensing Authority will be regularly reviewed.

3.9 Any special policy will not be used to:

- revoke a licence or certificate when representations are received about problems with existing premises;
- justify the rejection or variation of a licence or certificate except where the 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.

3.10 The Licensing 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;
- 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;
- 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. Special Policy on Cumulative Impact

4.1 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 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.

4.2 The area of the special policy is marked on the map at Appendix 1.

- 4.3 The special policy was initially adopted by the Licensing Authority in November 2005 and will be regularly reviewed.

5. Licensing Hours

- 5.1 It is recognised that flexible licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. This can help to reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 5.2 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 outlet is open for business. Any decision not to allow sales of alcohol at particular times will be based on the promotion of the licensing objectives.
- 5.3 The Licensing Authority will seek to avoid arbitrary restrictions on hours of opening that would undermine the principle of flexibility.

6. Promotion of the Licensing Objectives

- 6.1 Applications for the grant or variation of a licence or certificate must be accompanied by an operating schedule that includes the steps that the applicant proposes to take to promote the licensing objectives. It is advisable that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives. Applicants for licences are recommended to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to obtain advice on the production of their operating schedule and may avoid representations and the need for a hearing. The relevant responsible authorities are:
- Prevention of crime and Disorder — Leicestershire Police
 - 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, local trading standards officers
- 6.2 The following sections consider a range of measures available to the Licensing Authority in promoting the licensing objectives. 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. The Licensing Authority may take these measures into account in promoting the licensing objectives, when carrying out its functions under the Licensing Act 2003.

7. The Prevention of Crime and Disorder

7.1 In the context of this licensing objective the essential purpose of a licence or certificate is to regulate behaviour on premises and access to them where this relates to licensing activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents.

7.2 The Licensing Authority may consider if any of the following steps are necessary to promote the prevention of crime and disorder. It will also consider representations made by responsible authorities that conditions be applied to licences to require those steps:

- Prohibiting the sale of alcohol in bottles for consumption on the premises to prevent their use as weapons
- 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.
- Requiring drinking vessels to be plastic or toughened glass.
- 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. It is suggested that any system should be installed and maintained on advice from the Leicestershire Police Crime Prevention Officer.
- Requiring the provision of text pagers to connect persons employed at premises, particularly in town centre locations, to the police,
- Appropriate measures to prevent overcrowding in premises or parts of the premises.
- The provision of staff to control admission and to control persons inside the premises. When such staff are engaged they need to be licensed by the Security Industry Authority.
- Appropriate measures to prevent drugs misuse.

8. Public Safety

8.1 The public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation.

8.2 The Licensing Authority may consider measures to promote public safety, some of which are listed below. It will also consider representations made by responsible authorities that conditions be applied to licences to promote public safety:

Premises Licensed for Regulated Entertainment

- 8.3 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 requirements of existing statutory provisions, however the premises will be expected to ensure a level of compliance that promotes public safety.
- 8.4 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority supports measures designed to promote public safety in this context. These may 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, Theatres Concert Halls and Similar Places

- 8.5 Appropriate measures to promote public safety to reflect the nature of these venues may include:
- The number of attendants on each floor
 - Requirements for fixed seating
 - Requirements for drinks to be sold and consumed in plastic and paper containers
 - Restriction on the use of special effects

Dance Venues

- 8.6 The culture of dance venues is such that special consideration may need to be given to the steps required to promote the licensing objectives and prevent crime and disorder. It is recommended that operators of premises 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/licensing/> (NOTE: This web address may alter)
- 8.7 Other measures which may be considered appropriate are:
- Measures to prevent overcrowding in parts of the premises
 - The provision of air conditioning and ventilation
 - Searching of customers before entry. This will be aimed at preventing drugs or offensive weapons being brought into premises.

9. The Prevention of Public Nuisance

- 9.1 Following receipt of relevant representations the Licensing Authority may have to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. In considering the promotion of this licensing objective the Licensing Authority will focus on

the impact of the licensable activities at the specific premises on persons living and working in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

9.2 The Licensing Authority suggests 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

9.3 The Licensing Authority may support the inclusion in operating schedules of the following steps to promote the prevention of public nuisance. It will also consider representations made by responsible authorities that conditions be applied to licences to require the following steps:

- 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 advise applicants to have regard to their local environment, when specifying the trading hours in their operating schedules, particularly where the premises are situated in a predominantly residential area.
- Measures to reduce noise and vibration emissions from premises
- Measures to prevent noxious smells
- Measures to reduce light pollution, particularly at late night venues in non town centre locations.
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving at 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 signage, encouraging patrons and staff to leave the premises quietly.
 - (ii) the provision of a winding down period at the end of trading.
- Steps to reduce litter in the vicinity of the premises, particularly in respect of late night refreshment establishments.

10. The Protection of Children from Harm

General

10.1 The admission of children to premises holding a premises licence or club premises certificate will normally be freely allowed without restricting conditions unless the Licensing Act 2003 imposes such a restriction or there are good reasons to restrict entry or to exclude children completely.

10.2 Licences will be sought for 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 may be at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the protection of children from harm objective can be best promoted in each particular case.

10.3 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.
- Where the premises have 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.

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

10.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Requirements for an accompanying adult;
- In exceptional cases, exclusion of persons under 18 from the premises when any licensable activities are taking place;
- 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;

Children and Cinemas

10.6 Licence and certificate 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 the licensing authority. Children will not be permitted to view un-certificated films.

Children and Public Entertainment

10.7 The Licensing Authority may consider that where a significant number of unaccompanied children will be present during a public entertainment event, it may be necessary to ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The applicant is advised to 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

10.8 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 require proof of age from any person where there is any doubt as to whether they are over 18. The Licensing Authority 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).

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

10.9 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It is recommended premises licensed for the sale of alcohol comply with the Code.

11. Reviews

11.1 At any stage, following the grant of a premises licence or a club premises certificate a responsible authority or an interested party may apply to the Licensing Authority for a review of the licence or certificate. A member of the club may also apply for review of a club premises certificate.

11.2 The application for review must relate to particular premises for which a premises licence or club premises certificate is in existence and must be relevant to the promotion of the licensing objectives.

11.3 Where an application for review is made by an interested party the Licensing Authority will initially consider whether the application is relevant, vexatious, frivolous or repetitious. A repetitious representation is one that is identical or substantially similar to:

- A ground for review specified in an earlier application for review made in relation to the same premises which has already been determined.
- Representations considered by the Licensing Authority when the licence or certificate was first granted.
- Representations which would have been made when the application for the licence or certificate was first made and which were excluded by reason of the prior issue of a Provisional Statement

A reasonable interval must have elapsed since an earlier review or the grant of the licence. The Licensing Authority considers that one review originating from an interested party should not normally be permitted within a period of 12 months on similar grounds.

12. Integrating strategies

12.1 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.

Crime and Disorder Reduction Partnership

- 12.2 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 North West Leicestershire a safe and attractive area in which to live, work, study and socialise.
- 12.3 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

- 12.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated. Applicants must bear in mind that it may be necessary to obtain both planning permission and an appropriate licence/certificate. In such cases applicants are encouraged to seek planning permission first. However, applications for licences and certificates may be made before any relevant planning permission has been sought or granted by the Planning Authority.

Cultural Strategy

- 12.5 North West Leicestershire District Council has adopted a Sustainable Communities Strategy which sets out the common vision and shared goals for all those involved in the cultural life of the area.
- 12.6 The Licensing Authority will seek to carry out its function under the Licensing Act 2003 in the spirit of the Cultural Strategy. It will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing, ensuring that local cultural officers are regularly consulted about the impact on local culture.
- 12.7 Care will be needed to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on these events.
- 12.8 As part of implementing the local authority cultural strategy, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities.

Building Control

- 12.9 The Building Regulation process is a separate system to the licensing regime.
- 12.10 Applicants should ensure that all necessary approvals have been

obtained before the premises begin operating.

Promotion of Equality

- 12.11 In developing this strategy, the Licensing Authority has recognized its responsibility, under the Race Relations Act 1976 (as amended), to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups.

Disabled Access

- 12.12 The Licensing Authority would 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 enable a disabled person to access the service.

Transport

- 12.13 The Transport Strategy is set out in the Local Transport Plan (LTP) produced by the Leicestershire County Council. The plan sets out the main proposals for achieving an integrated transport system to tackle the adverse impacts of traffic growth. The intention is to encourage greater use of public transport, walking and cycling by making these more attractive.

13. Duplication

- 13.1 The Licensing Authority will seek to avoid duplication with other regulatory regimes (e.g. Health and Safety at Work Act) insofar as attaching conditions to premises' licences and club premises certificates.
- 13.2 Conditions will only be attached where they are necessary and proportionate for the promotion of the licensing objectives. If duties are already imposed by other legislation it cannot be considered necessary to impose the same or similar duties in the context of the Licensing Act 2003.

14. Standardised Conditions

- 14.1 The Licensing Authority will only attach conditions to premises licences and club premises certificates that are tailored to the individual style and characteristics of the premises and events concerned and where they are necessary and proportionate for the promotion of one or more of the licensing objectives.
- 14.2 To aid administration, Annex D of the statutory guidance contains a pool of conditions from which the Licensing Authority may draw appropriate and proportionate conditions to cover particular circumstances. However, it is not intended to be an exhaustive list and other specific conditions

may be appropriate.

- 14.3 A number of conditions are mandatory and are required to be applied to some licences or certificates. These relate to such things as 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 licensed by the Security Industry Authority.
- 14.4 New mandatory conditions in relation to the sale of alcohol have come into force as a result of legislative changes.

15. Personal Licences

- 15.1 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.
- 15.2 Every sale of alcohol at a licensed premises is required to be made or authorised by a personal licence holder.
- 15.3 When applying for a personal licence, the Licensing Authority require applicants to produce a Disclosure Scotland certificate that is no older than 1 month. All applicants would also be expected to make a clear statement as to whether or not they have been convicted of a relevant offence or an equivalent foreign offence outside England and Wales.

16. Temporary Event Notices

- 16.1 The Licensing Act 2003 allows licensable activities to be carried out in specified circumstances on a temporary basis. A temporary event notice must be served on the Licensing Authority, with a copy to the chief officer of police, ten working days before the event (not including the day the notice is served and the day of the event). The chief officer of police may object to the event if he is satisfied that the crime prevention objective would be undermined.
- 16.2 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.
- 16.3 Whilst the Licensing Authority recognise 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 at least 28 days before the event.

17. Enforcement

- 17.1 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.
- 17.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police and other relevant enforcing authorities.
- 17.3 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 transparent, fair, reasonable and proportionate.

18. European Union Services Directive

- 18.1 The EU Services Directive provides a mechanism for its citizens to apply for alcohol licenses in other member states. That mechanism allows an applicant to make an application, electronically, through the Licensing Authority's web site. Payments can also be made electronically. Where applications are made through this system the Licensing Authority will notify all responsible authorities on behalf of the applicant.

19. Delegation of Functions

- 19.1 The following 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.
- 19.2 The following 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 (other than for a minor variation);
 - Application to vary a designated premises supervisor;
 - Application for transfer of a premises licence;
 - Application for interim authority.
- 19.3 The Licensing Authority will ensure that all members appointed to serve as members on the Licensing Committee will have undergone appropriate training before they act in that capacity.

20. Period of Validity and Review

- 20.1 This statement of licensing policy will come into force on **7 January 2011** and be valid for three years, subject to review.
- 20.2 The policy will be kept under review during the period of validity and if necessary amendments made.

21. Contacts

- 21.1 Anybody wishing to contact the Licensing Authority with regard to this Policy Statement can do so as follows:

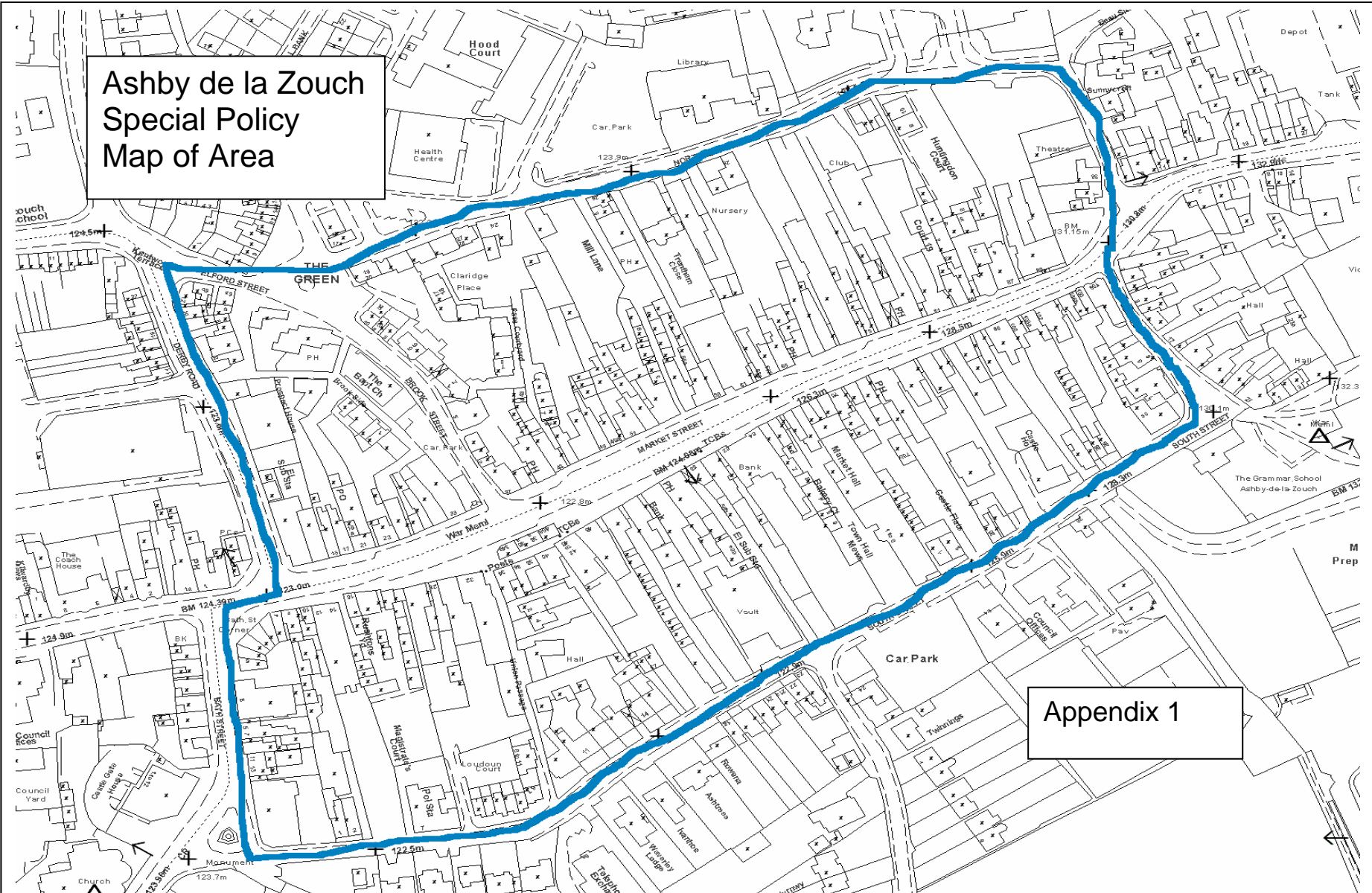
In writing to The Licensing Team
 North West Leicestershire District Council
 Council Offices
 Coalville
 Leicestershire
 LE67 3FJ

By e-mail to licensing@nwleicestershire.gov.uk

By fax to 01530 454506

By telephone on 01530 454775/454844

Ashby de la Zouch
Special Policy
Map of Area



Appendix 1

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (C) Crown Copyright 2007

LEICESTERSHIRE CONSTABULARY

SATURATION POLICY FOR ASHBY TOWN CENTRE

I have been the LPU Commander at NW since 2007 and during this time I have monitored the effect of the saturation policy, test purchasing and police overt patrols on criminal and anti-social behaviour in the Ashby town centre.

I would continue to support a saturation policy for the town centre of Ashby de la Zouch for the following reasons:

There are currently 12 licensed public houses and 2 nightclubs within the vicinity of Market Street, Ashby. My reasons are as follows;

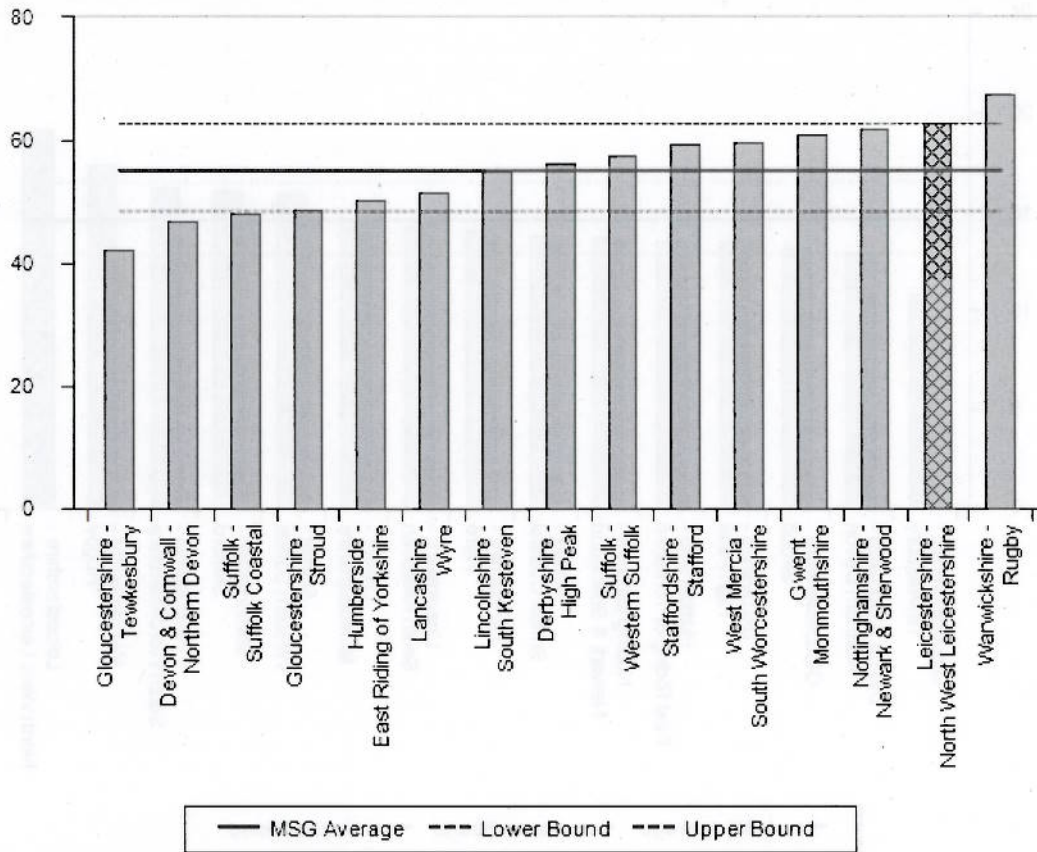
1. Between September 2007 and September 2008 the Ashby beat recorded 203 crimes of assault, Damage, public order and robbery on the beat between the hours of 6pm and 8am. The same period for 2008 to 2009 showed a decrease to 177 and the projected figures for this year are 137 I am pleased to say that this is a decrease but I believe this could be better taking into account the National trend. The Policy is a key part of the crime reduction strategy.
2. The 2 nightclubs (Artys and Ciro's) are now open till 2am Fridays and Saturdays. As a result we have a number of members of the public emerging onto the main street in the early hours.
3. The situation in Ashby has changed little over the last 2 years with reference to the parking facilities. In addition to this there have been some issues regarding taxi parking on the main street. Additional vehicles travelling to Ashby could cause problems in the early hours of the weekend. A balance between taxi parking and the number of taxis available is a problem in the Ashby area as the town centre attracts people from a considerable distance and vehicles and taxis are vital to them being dispersed before any problems occur.
4. There is a continuing presence of a burger van operating on Market Street as well as the fish and chip shop. It can be shown that this encourages people to hang around after closing time. More people will attract more food outlets and therefore the licensing panel may say an increase in applications for them to be open. If these are declined then the queues at the present premises will increase causing higher tension and the likelihood of disorder, this can be demonstrated from the city experience.
5. Over the last 2 years we have continued to borrow officers from neighbouring LPUs to assist with targeted operations for the town centre. We currently have an operation running where officers are drawn from a number of LPU's, these are occasionally used at Ashby, with the added pressure of the economic climate we will not be able to guarantee any increased police presence should more licenses be granted that increases the need for public order patrols.

6. I believe that the present saturation policy has played a significant positive effect on the community. Overall crime figures remain controllable but finely balanced. The saturation policy still allows the panel to grant licenses where it is unlikely to have an adverse effect on the community. Applications that have a positive effect will get support from the police as I am sure the licensing panel.
7. Anti-social behaviour has become a priority for the police and partners. It can be shown that there are links to the behaviour of young people and alcohol. At present we are able to police by means of test purchase and overt patrols by local officers but any increase may have a detrimental effect in the control of ASB in the surrounding area. Various other environmental reasons, including litter along Market Street and surrounding streets is still unacceptable but manageable, in light of the that Market Street and surrounding Streets are residential.

Submitted for your attention.

Inspector Chris Brown
LPU Commander
North West Local Policing Unit

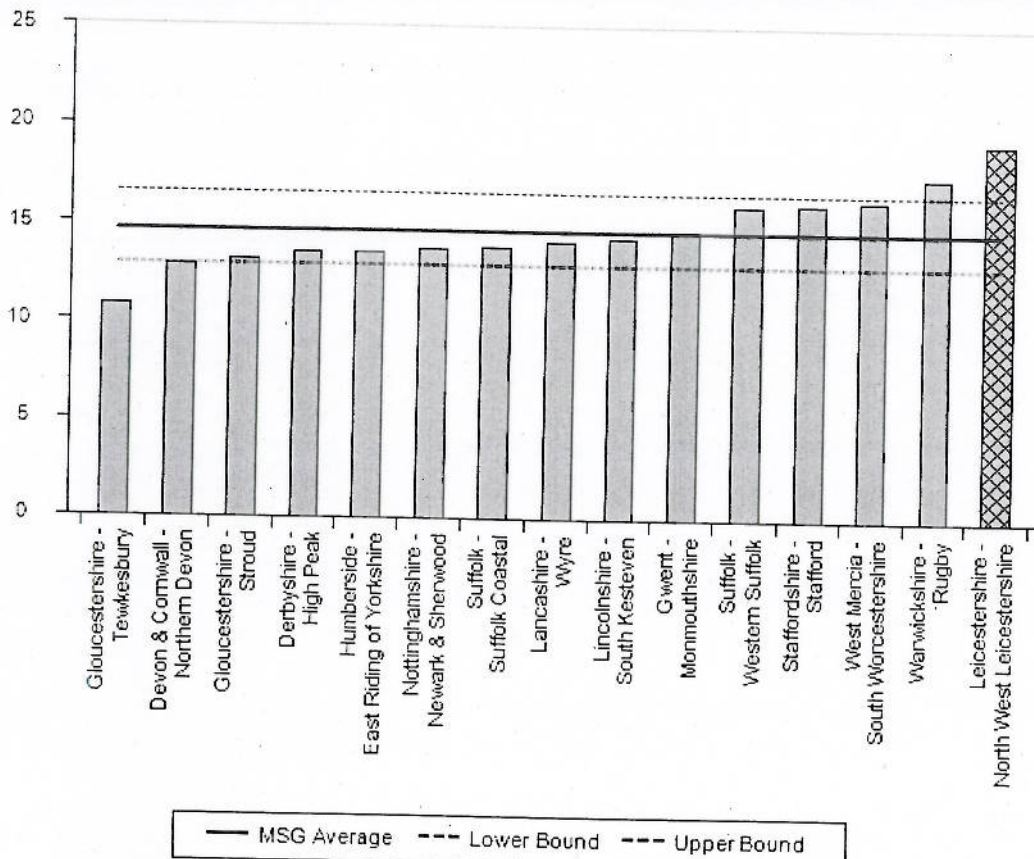
**iQuanta Barchart MSG - Crimes per 1000 Residents
Leicestershire - North West Leicestershire CDRP
All Crime
01 Aug 2009 - 31 Jul 2010**



| CDRP | Crimes per 1000 Residents |
|---|---------------------------|
| Gloucestershire - Tewkesbury | 42.157 |
| Devon & Cornwall - Northern Devon | 46.819 |
| Suffolk - Suffolk Coastal | 48.180 |
| Gloucestershire - Stroud | 48.778 |
| Humberside - East Riding of Yorkshire | 50.273 |
| Lancashire - Wyre | 51.547 |
| Lincolnshire - South Kesteven | 54.799 |
| Derbyshire - High Peak | 56.044 |
| Suffolk - Western Suffolk | 57.513 |
| Staffordshire - Stafford | 59.390 |
| West Mercia - South Worcestershire | 59.551 |
| Gwent - Monmouthshire | 60.942 |
| Nottinghamshire - Newark & Sherwood | 61.885 |
| Leicestershire - North West Leicestershire | 62.575 |
| Warwickshire - Rugby | 67.360 |
| Leicestershire - North West Leicestershire MSG | 55.188 |

Source: iQuanta 13/08/2010

iQuanta Barchart MSG - Crimes per 1000 Residents
Leicestershire - North West Leicestershire CDRP
All Crime
01 May 2010 - 31 Jul 2010



| CDRP | Crimes per 1000 Residents |
|---|---------------------------|
| Gloucestershire - Tewkesbury | 10.783 |
| Devon & Cornwall - Northern Devon | 12.872 |
| Gloucestershire - Stroud | 13.133 |
| Derbyshire - High Peak | 13.544 |
| Humberside - East Riding of Yorkshire | 13.586 |
| Nottinghamshire - Newark & Sherwood | 13.787 |
| Suffolk - Suffolk Coastal | 13.816 |
| Lancashire - Wyre | 14.171 |
| Lincolnshire - South Kesteven | 14.317 |
| Gwent - Monmouthshire | 14.675 |
| Suffolk - Western Suffolk | 15.980 |
| Staffordshire - Stafford | 16.129 |
| West Mercia - South Worcestershire | 16.317 |
| Warwickshire - Rugby | 17.425 |
| Leicestershire - North West Leicestershire | 19.226 |
| Leicestershire - North West Leicestershire MSG | 14.651 |

Source: iQuanta 13/08/2010



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KEGWORTH PARISH COUNCIL

1 LONDON ROAD • KEGWORTH • DERBY DE74 2EU

Clerk:

Mrs Lesley Pendleton

Mr. S. Eyre,
Licensing Team Leader,
Environment Directorate,
North West Leics. District Council,
Council Offices,
Coalville,
LE67 3FJ.

15th July, 2010.

Dear Mr. Eyre,

Statement of Licensing Policy – Consultation.

On behalf of Kegworth Parish Council I thank you for your letter with regard to the consultation on the Draft Statement of Licensing Policy May 2010, which I brought to the attention of the Parish Council at its meeting in June.

Kegworth Parish Councillors had no comments to make about the Draft Statement of Licensing Policy. However they asked me convey to you their thanks and express how very useful it has been to be informed, by e-mail, about the applications for, or changes to, Licences for the consumption of alcohol or Licences for entertainment purposes. They hope that this service to Parish Councils will continue.

Yours sincerely,

Lesley Pendleton
Clerk.

STEPHEN EYRE

From: Clerk [clerk@cdpc.org.uk]
Sent: 13 July 2010 09:08
To: STEPHEN EYRE
Subject: Licensing Policy and Private Hire Drivers Licence consultation documents.

Dear Mr Eyre

The Parish Council has reviewed these documents and has no comments to make. Thank you for consulting with the Parish Council.

Regards

Fiona Palmer

Clerk to Castle Donington Parish Council
The Parish rooms
Hillside
Castle Donington
DE74 2NH

Tel: 01332-810432