



**NORTH WEST LEICESTERSHIRE
DISTRICT COUNCIL**

**Licensing Act 2003
Statement of Licensing Policy**

**Effective Period:
March 2024 to March 2029**

Issue 8 DRAFT

Approved by the Council at its meeting on DATE

CONTENTS

	Page No.
1. Introduction	5
1.1 Profile of the District	5
1.2 Purpose of the Policy	5
1.3 History	6
1.4 Consultation	6
1.5 Licensable Activities	6
1.6 <u>Deregulation Live Music</u>	6
2. Fundamental Principles	7
2.1 Background	7
<u>2.2 Right and Entitlement to Work</u>	
2.3 The Licensing Objectives	7
2.4 Balance	7
2.5 Extent of Control	8
2.6 Determination of Applications	8
2.7 Effective Service	8
2.8 Licensing Authority (Responsible Authority Role)	9
3. <u>Operating Schedule - Policies Promoting Each of the Four Licensing Objectives</u>	11
4. Prevention of Crime and Disorder	11
4.1 The Policy	11
4.2 Criteria	11
4.3 Considerations	11
4.4 Conditions	11
5. Public Safety	12
5.1 The Policy	12
5.2 Criteria	12
5.3 Consideration	12
5.4 Conditions	13
6. The Prevention of Public Nuisance	14
6.1 The Policy	14
6.2 Criteria	14
6.3 Considerations	14
6.3.1 Noise and Vibration	14
6.3.2 Eating, Drinking and Smoking Outside Premises	15
6.3.3 Other Environmental Impacts	15
6.4 Conditions	16
7. The Protection of Children from Harm	17

7.1	The Policy	17
7.2	Criteria	17
7.3	Considerations	17
7.4	Conditions	18
8.	Early Morning Alcohol Restriction Officers (EMRO)	20
9.	Late Night Levy	20
10.	Special Policy on Cumulative Impact (Cumulative Impact Zone)	21
11.	Licensing Hours	22
12.	Lapsed Licences, Insolvency and Death	22
13.	Variation of Licences	22
14.	Transfer of Licences	23
15.	Provisional Statements	23
16.	Review of Licences	23
17.	Personal Licences	24
18.	Permitted Temporary Activities	25
19.	Integrating Strategies	26
19.1	Safer North West Partnership	26
19.2	Planning	27
19.3	Building Control	27
19.4	Promotion of Equality	27
19.5	Disabled Access	27
19.6	Transport	27
19.7	Economic Growth Plan	27
20.	Related Policies	27
20.1	Street Trading Places	27
20.2	Sex Establishment Venues (SEV)	28
21.	Avoiding Duplication	28
22.	Conditions	28
23.	Enforcement	29
24.	European Union Services Directive	29
24 5.	Delegation of Functions	30
25 6.	Appeals	30
26 7.	Fees	30

	278.	Period of Validity and Review	30
	289.	Contacts	31
		Document History	31
	Appendix 1	Map of Ashby de la Zouch	32
	Appendix 2	Delegation of Licensing Functions	33
	Appendix 3	Responsible Authority Contact Details	34

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

1. 1. Introduction

1.2. 1.1 Profile of the District

North West Leicestershire District covers an area of 27,933 hectares. The principal town is Coalville and the other main settlements are Ashby de la Zouch, Castle Donington, Ibstock, Kegworth and Measham.

The population of North West Leicestershire is 104,704. (2021 Census, Office of National Statistics) ~~98,436~~. The proportion of young people (0-14 years) is ~~16.647.8~~ per cent ~~which is slightly lower than and is close to~~ regional and national averages. The District has 20.149.7 per cent of the population ~~above pension age 65 and above, which is slightly higher than the regional and national average~~. The black and minority ethnic population is 4.12.4 per cent; this compares with 14.30.7 per cent for East Midlands and 19.4.6 per cent for England.

The Council's vision statement is "North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home".

The Council recognises that the ~~hospitality sector entertainment and leisure industry~~ contributes to the District's urban and rural economies, particularly given the location at the heart of the National Forest. These have a part to play in attracting tourists and visitors and are major employers. There were ~~3,295,400~~ hospitality tourism-related jobs in 2021.45. The District is home to a number of major attractions including Donington Park Race Circuit, ~~National Forest~~, Conkers, Moira Furnace, the 1620s House and Ashby Castle.

Pubs and restaurants are an important part of village life, and contribute to the vitality of the District's towns, together with the arts and entertainments venues throughout the District.

The following provides an indication of the profile of licensed premises and personal licence holders. Number of approximate:

- o Between 350 and 400 licensed premises consisting of –
- o 130 public houses, bars and wine bars
- o Over 200 late-night refreshment houses
- o 40 restaurants serving alcohol
- o 25 club premises
- o 3 night clubs
- o 1500 personal licence holders

~~The District has 360 licensed premises. These include approximately 130 pubs, bars and wine bars, 41 restaurants licensed to serve alcohol, 3 night clubs and dance venues. 206 premises are licensed as a late night refreshment house, these premises include takeaways, pubs and restaurants. There are other premises which are licensed which include other cultural venues and shops.~~

1.2 Purpose of the Policy

This Statement of Licensing Policy explains how the Licensing Authority will carry out its role under the Licensing Act 2003, (the Act). The Licensing Authority will keep this

policy under review and may make revisions to the document following consultation with the bodies outlined in paragraph 1.4 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.

1.3 History

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 further minor amendments. Issue 3 came into force on 7 January 2008 with minor amendments. Issue 4 with further amendments came into force on the 15 January 2008. Issue 5 of the policy was introduced on 7 January 2011. Issue 6 of the policy was introduced on 26 March 2014. Issue 7 of the policy was introduced on 26 March 2019. Issue 8 of the policy was introduced on DATE 2024 and will remain in place until DATE 2029.

1.4 Consultation

In developing this Statement the Licensing Authority has consulted with the bodies set out below, and has taken account of their views:

- Chief Officer of Police
- Fire authority
- Director of Public Health
- Persons/bodies representative of local premises licences holders.
- Persons/bodies representative of local club premises certificate holders.
- Persons/bodies representative of local personal licence holders.
- Persons/bodies representative of businesses and residents in North West Leicestershire.
- Other groups that the Licensing Authority consider appropriate

1.5 Licensable Activities

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.~~

Regulated entertainment requires a licence when it is performed in the presence of an audience for their entertainment. It is also provided for members of the public or a section of the public or exclusively for the members of a qualifying club

Formatted: Font: Not Bold

and/or their guests or for consideration and with a view to profit, it includes the following:

- A performance of play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any performance of recorded music
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance.

1.6 **Deregulation Live Music**

Amendments made to the Licensing Act 2003 by ~~The~~ the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014, and the Deregulation Act 2015, mean that a licence is not required for the following activities that take place between 08:00 and 23:00 on any day: ~~came into force on~~ 1st October 2012.

- A performance of a play in the presence of any audience of no more than 500 people
- An indoor sporting event in the presence of any audience of no more than 1,000 people
- Most performances of dance in the presence of any audience of no more than 500 people; and
- Live music, where the live music comprises:
 - a performance of unamplified live music
 - a performance of live amplified music in a workplace with an audience of no more than 500 people; or
 - a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.
- Recorded music, where recorded music comprises:
 - Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500.
 - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
 - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority, providing as much detail as possible, to discuss whether a licence will be required.

Its main aim was relax the licensing burden on those licence holders staging or

Formatted: Superscript

~~looking to stage live music at their venue.~~

~~It removes the licensing requirements for:~~

- ~~• Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises.~~
- ~~• Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).~~
- ~~• Unamplified live music between 8am and 11pm in all venues.~~

~~It is possible to reinstate or impose conditions about live music following a review of a premises licence or club premises certificate authorising premises to supply alcohol for consumption on the premises.~~

~~The Live Music Act also removes licensing requirements for the provision of entertainment facilities.~~

~~In addition, it has widened the licensing exemption for music integral to a performance of Morris dancing or similar, so that the exemption applies to live or recorded music instead of unamplified live music.~~

~~Although the changes to the law and the associated benefits to local musicians and their supporters are to be welcomed there is still a requirement that any music should not be loud enough as to cause a nuisance to neighbours.~~

2. Fundamental Principles

2.1 Background

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 Act requires applicants to consider carefully this policy when drafting their applications.

2.2 Right and Entitlement to Work

The Immigration Act amended the 2003 Act and introduced the requirement for immigration safeguards in respect of licensing applications. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment. The statutory prevention of crime licensing objective includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing Authorities work with the Home Office as well as the police, in respect of these matters.

Individuals applying for a premises licence for the sale of alcohol or late-night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in UK must be rejected. This applies to applications which include

the sale of alcohol and the provisions of late-night refreshment but does not include applications which apply to regulated entertainment only.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. An applicant can do this in two ways:

- By providing with their application copies of the documents which an applicant may provide to demonstrate their entitlement to work in the UK (these copies do not need to be certified) and are published on the Council's web site GOV.uk and in guidance issued under s182 of the Licensing Act 2003.
- By providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service.

2.32 **The Licensing Objectives**

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.

2.43 **Balance**

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.

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

The Human Rights Act 1998, incorporating the European Convention on Human Rights, makes it unlawful for a Local Authority to act in a way, which is incompatible with a Convention right. The Licensing Authority will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights:

Article 6 – In the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 – Every person has the right to respect for his home and private and family life.

Article 1 of the First Protocol – Every person is entitled to the peaceful enjoyment of his or her possessions.

2.54 **Extent of Control**

Licensing is about regulating licensable activities on licensed premises, ~~qualify~~ qualifying clubs and at temporary events. 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. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case.

Licensing law is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, 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 minimising 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.

2.65 **Determination of Applications**

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. Amongst other things the Licensing Authority will consider whether the application has been properly advertised in accordance with the regulations.

All applications for new premises licences and variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the four licensing objectives. Applicants are advised to discuss their application with a member of the licensing team and to have regard to sections 3, 4, 5 and 6 of this policy when completing their application form.

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 other persons 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.

The responsible authorities who must be notified of applications and are entitled to make representations to the Licensing Authority in relation to an application are:

- Chief Officer of Leicestershire Police.
- Leicestershire Fire and Rescue Service.
- North West Leicestershire District Council (NWLDC).
- Relevant enforcing authority under the Health & Safety at Work etc Act 1974.
- NWLDC Environmental Health teams responsible for health and safety and pollution control.
- NWLDC Planning Team.
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm.
- Director of Public Health, Leicestershire County Council.
- Leicestershire County Council Trading Standards Department.
- Home Office Immigration Enforcement (on behalf of the Secretary of State).
- Environment Agency (vessels only)
- Canal and River Trust. (vessels only).

The Local Authority name/body for each of the Responsible Authorities is provided at Appendix 3. Current contact details including postal address and telephone contact numbers is provided on the Council's website.

'Other Persons' are the bodies or individuals who are entitled to make representations to the Licensing Authority on applications and consist of:

- Any person;
- A body representing persons;
- A person involved in a business;
- A body representing persons involved in such businesses.

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.

A representation by a Responsible Authority or 'other persons' cannot be accepted if it is frivolous or vexatious. The Licensing Authority will determine whether any representation is frivolous or vexatious on the basis of the ordinary meaning of those words and the statutory guidance.

Where, however, there are relevant representations to an application or variation, then a hearing before a Licensing Sub-Committee will normally follow. At the hearing the Sub-Committee must, having regards to the representations, take such steps as it considers appropriate to promote the four licensing objectives. These may include refusing the application either in full or in part or adding to or modifying the conditions proposed in the operating schedule.

2.76 Effective service of applications

Where reference is made to working days this is defined at Section 193 of the

Licensing Act as 'any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealing Act 1971 in England and Wales.

For the purposes of this policy non-statutory closures of the Council are not considered to be working days.

The Councils working day is 08:45 to 17:00. Applications received after 17:00 shall be deemed to be received on the following working day.

The Council accepts the following methods of service:

- o Postal
- o Electronic submission (online GOV.UK website)
- o Electronic submission (email)

An application that is submitted electronically during the course of a working day will be deemed as received at the time of receipt. This shall include applications submitted online or by email.

An application that is submitted electronically outside of the working day will be deemed as being received on the first working day following submission.

An application submitted by post will be served on the day of receipt or if there is no receipt deemed as if served on the second working day after being placed in a postal system. Proof of service will be required to confirm the date of posting.

Where an electronic application is received by the Council there is a requirement for the Council to serve a copy on all Responsible Authorities. Service can be made both by email and by post with the preferred method of service being by email. The above definitions of 'service' will apply. An application for a review falls outside of this process. This is explained further within the Statutory Guidance.

2.87 Licensing Authority (Responsible Authority Role)

The Licensing Authority is included in the list of responsible authorities and in common with the other responsible authorities it is for the Licensing Authority to determine when it considers it appropriate to act in that capacity.

The Licensing Authority will not make a representation or apply for a review at the request of another Responsible Authority or Other Person.

There may be occasions when the Licensing Authority may decide to make a representation or apply for a review based on evidence and information collated from other Responsible Authorities even though those other Responsible Authorities have chosen not to make a representation.

The Licensing Authority is unlikely to intervene where the basis for the intervention falls within the remit of another Responsible Authority. For example, the police should make representations where the representations are based on concerns about crime and disorder.

Where the Licensing Authority does make representations, it will ensure that there is a proper separation of responsibilities. The Licensing Officer preparing papers for a sub-committee hearing will be different to the Licensing Officer making the representations on behalf of the Responsible Authority. The Licensing Officer acting

for the Responsible Authority will not be involved in the administrative process of the application or review and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority. Communication between these Licensing Officers in relation to the case will remain professional and consistent with communication with other Responsible Authorities.

The Licensing Officer administering the application will be allowed to conduct negotiations between the Licensing Officer making the representation and the applicant.

3. **Operating Schedule - Policies Promoting Each of the Four Licensing Objectives**

The Licensing Authority is required to carry out its functions so as to promote the licensing objectives.

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. These policies are intended to help applicants by setting out the **criteria** and **considerations** that they should bear in mind when drawing up the operating schedule. The criteria, because they relate to the licensing objectives, will apply to all applications to some degree; the considerations listed may not necessarily apply, or apply equally, to all applications. The list contains considerations that Responsible Authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

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 content of operating schedules will be converted to licence conditions which must be appropriate and proportionate for the promotion of the licensing objectives.

4. **Prevention of Crime and Disorder**

4.1 **The Policy**

To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews. The Licensing Authority will look to the police as the main source of advice on crime and disorder. The Licensing Authority will also seek to involve the NWL Community Safety Partnership.

4.2 **Criteria**

Whether the premises makes or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application.

4.3 **Considerations**

The levels of crime and disorder in and around the venue.

The proposals contained in the operating schedule.

The level of compliance with conditions on existing licences.

4.4 Conditions

The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 (as amended) (The Guidance) sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. The Licensing Authority will tailor appropriate conditions for premises licences and club premises certificates. The seeking of and any imposition of conditions and their extent will depend upon the risks of crime and disorder at the particular premises.

In the context of this licensing objective the essential purpose of a licence or certificate is to regulate the behaviour of people while on, or in the immediate vicinity of the premises and as they seek to enter or leave. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct control of the licence holder and their staff or agents. Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. Licence conditions that are considered appropriate for the prevention of illegal working might include requiring a premises licence holder to undertake right to work checks on all staff employed and that a copy of any documentation checked is retained at the licensed premises.

The Licensing Authority may consider if any steps are appropriate to promote the prevention of crime and disorder. It will also consider representations made by Responsible Authorities that conditions are applied to licences to require those steps.

The Licensing Authority will seek to co-operate with the Security Industry Authority (SIA) as far as possible.

The inclusion of radio links and ring-around phone systems will be considered an appropriate condition for public houses, bars and nightclubs operating in town centre leisure areas with a high density of licensed premises.

Conditions relating to the management competency of designated premises supervisors will only be justified as appropriate where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

The Licensing Authority considers that proper records of all instances of refusal to sell alcohol and incidents of crime and disorder must be recorded. These records shall be immediately available to police and licensing authority Licensing Officers on request.

When preparing their operating schedules, applicants are encouraged to consider including the following items of best practice:

- Prohibiting the sale of alcohol in glass 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.

- Consider using drinking vessels made of plastic or toughened glass.
- 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 persons who are already drunk is an offence under the Act.
- Consider 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. Should you deem it appropriate to install CCTV at your premises it is suggested that any system should be installed and maintained on advice from the Leicestershire Police.
- Displaying of warning signs about crime prevention measures in place.
- Consider 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 including the operation of proof of age schemes, searching and exclusion of banned individuals. When such staff are engaged they must be licensed by the Security Industry Authority.
- The provision of staff ~~and~~ to control persons inside the premises. When such staff are engaged they must be licensed by the Security Industry Authority.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales.
- Appropriate measures to prevent the supply and consumption of illegal drugs, including any search procedures and entry policies.
- The provision of adequate and appropriate staff training in crime prevention. Examples of relevant training packages include:
 - The Welfare and Vulnerability Engagement (WAVE) initiative – A free tool aims to increase the skills and knowledge to identify vulnerability and make appropriate interventions to keep people safe.
 - Ask for Angela – This initiative advises customers through posters that, if they 'ask for Angela', staff will be alerted to the fact that the person feels unsafe or threatened and provide that individual with the required support.
- Take appropriate steps to prevent drink spiking and sexual harassment. Preventative measures could include training of staff, effective CCTV, reporting of all incidents to the police, membership of a pubwatch scheme.

The above items of best practice need only be included in an operating schedule where relevant to the premises. In addition to the above items of best practice applicants are also encouraged to refer to the Council's pool of licence conditions when producing an operating schedule.

The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of this licensing objective at their particular premises.

5. Public Safety

5.1 The Policy

To promote public safety, the Licensing Authority will apply the following criteria and

take into account the following considerations, where relevant, in determining applications and reviews:

5.2 **Criteria**

Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant Responsible Authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

5.3 **Considerations**

Whether the premises has undertaken a risk assessment and identified the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.

[Whether due consideration has been given to appropriate counterterrorism measures.](#)

Whether there are procedures proposed to record and limit the number of people on the premises.

Whether patrons can arrive and depart from the premises safely.

Whether the premises will use equipment or special effects that may affect public safety (e.g. vehicles, pyrotechnics, strobe lights, smoke machines, temporary structures etc).

Whether due regard has been given to the measures outlined in the 'Safer Clubbing' guide published by the Home Office – January 2002, in applications for facilities for music and dancing. The key areas identified are:

- Prevention of overcrowding
- Air conditioning and ventilation
- Availability of drinking water
- Affordable cloak rooms
- Further measures to prevent patrons overheating

Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

5.4 **Conditions**

The Guidance sets out matters which relate to conditions on public safety, and includes a Safer Clubbing checklist. These will be used to tailor appropriate conditions for premises licences and club premises certificates.

The Licensing Authority may consider if any steps are appropriate to promote public safety. It will also consider representations made by Responsible Authorities that conditions be applied to licences to require those steps.

When preparing their operating schedules, applicants are expected to consider the following items of best practice:

- Fire safety.
- Counterterrorism measures (security and health care provision)
- Ensuring appropriate access for emergency services such as ambulances.
- Good communication with local authorities and emergency services.
- Ensuring appropriate limits on the maximum capacity of the premises with reliable methods to count and control the number of persons on the premises.
- Adequate levels of door supervision to control access to and egress from premises in order to ensure public safety.
- CCTV and appropriate lighting
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation such as taxi companies).
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits.
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes, and appliances and of the number of people on the premises.
- Ensuring appropriate and frequent waste disposal, particularly glass bottles.
- Preventing injury – Consider a policy of using plastic, polycarbonate or toughened glass.
- Ensuring that floors are kept from becoming slippery from spillages or condensation.
- Measures to prevent climbing onto ledges, balconies and speakers.
- Measures to keep sound levels below levels where damage to the hearing of staff and customers is likely to occur.
- Measures to reduce the risk of dancers and others overheating (chill-out rooms, affordable cloakrooms, free water, breaks from fast dance rhythms, identifying people who may be in distress).
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover, or be kept safe while awaiting medical assistance.
- Provision of a safe space within the venue for customers who are vulnerable due to the effects of alcohol or drugs so that they are not put at risk outside the venue.

The above items of best practice need only be included in an operating schedule where appropriate and proportionate relevant to the premises. In addition to the above items of best practice applicants are also encouraged to refer to the Council's

pool of licence conditions when producing an operating schedule. If applicants elect not to include best practice items in the operating schedule, they are strongly advised to include information explaining the reason for their decision. This might be because a risk assessment has shown that the step is not appropriate. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.

Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate and proportionate for the promotion of this licensing objective at their particular premises.

6. The Prevention of Public Nuisance

6.1 The Policy

To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

6.2 Criteria

The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is a mixed commercial / residential use with residential accommodation in the proximity of the premises.

Under the Act, "public nuisance" retains its broad common law meaning. Public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as a major disturbance affecting the whole community. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

6.3 Considerations

6.3.1 Noise and Vibration

Whether operating schedules contain adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.

Measures to limit noise and vibration

Applicants will be expected to have considered the inclusion of measures in their operating schedules that make adequate provision to:

- Restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site.

- Limit the escape of noise from the premises or open air site.
- Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and whilst sleeping.
- Minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it.
- Minimise and control noise from staff, contractors, and suppliers and their activities.
- Minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers.
- Monitor the noise levels and its impact.
- Make a contact number available to any person wishing to report noise disturbance.

6.3.2 Eating, Drinking and Smoking Outside Premises

Whether people standing or sitting outside the premises are likely to cause obstruction or other nuisance.

Whether the premises are under or near to residential accommodation.

The hours of sale of alcohol in open containers or food for consumption outside the premises.

Measures to make sure that customers move away from outside premises when such sales cease.

Measures to collect drinking vessels and crockery, cutlery and litter.

The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking.

Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink, between certain hours or at all times.

6.3.3 Other Environmental Impacts

Whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions.
- Light pollution arising from the proposed licensable activity.

Whether the proposal will be likely to cause nuisance by congesting the pavement or the roadway.

Whether the proposal would lead to the need for increased refuse storage or waste

collection.

Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse.

Whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs. Litter includes both chewing gum and smoking related litter. Premises may need to make provision for patrols to clear up litter.

Whether queuing is likely and the steps proposed to prevent queuing, or to divert queues away from residential properties.

The measures proposed for the management of people leaving premises to smoke and for their readmission.

Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.

6.4 **Conditions**

The Guidance sets out a pool of conditions that relate to the prevention of public nuisance. In addition, the Licensing Authority has devised a pool of conditions which can be found on the Council's website.

With regard to existing premises with non-audibility conditions the enforceability of these is now in question. In the event that premises subject to such a condition were found to be breaching that condition a review of all enforcement options would be undertaken to decide on the most appropriate course of action. If this results in a review of the licence a suitable condition would be added taking into account current noise guidance.

Hours of opening and hours for each licensable activity must be included in operating schedules. Conditions will be attached relating to the hours when premises are permitted to open in order to prevent public nuisance. Conditions could be appropriate to limit the times when certain licensable activities take place, although the premises may be open to the public at such times. For example, there may be reason to have a condition specifying the time at which music ceases to be played in a bar or at an open air concert, which is prior to the end of other licensable activities. Stricter conditions will be applied in areas of denser residential accommodation.

Conditions will be attached to premises where appropriate. These conditions are designed to reduce the impact of a public nuisance arising from the operation of the premises. The conditions may include the following:

- Maximum noise levels over particular time periods – Noise controls and limits specified within the licence will be set in line with relevant guidance currently the Noise Council Guidance and the World Health Organisation Guidelines for Community Noise.
- Installation of sound limiters.
- Acoustic lobbies.
- Provision of signs.
- Publicity and verbal advice to patrons to leave quietly.
- Controlling nuisance from light pollution.

- Taking food and drink outside the premises.
- Fly posting.
- Distribution of leaflets.
- Litter and cleaning outside of the frontage and in the vicinity of the premises.

7. The Protection of Children from Harm

7.1 The Policy

To protect children from harm, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

7.2 Criteria

Whether there are appropriate measures in place to protect children from harm

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.

7.3 Considerations

Considerable weight will be given to representations about child protection matters. In addition to the police, it is recognised that the Director of Public Health may also have access to relevant evidence to inform such representations. Appropriate weight will be given to representations received from the Leicestershire and Rutland Safeguarding Boards.

Whether there are effective means to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises.

Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.

The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.

Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks. The Licensing Authority supports the Portman Group 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.

Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.

The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.

Whether there is evidence of heavy, binge or underage drinking on the premises.

Whether there is evidence of drug taking or dealing on the premises.

Whether the premises commonly provides entertainment or services of an adult or sexual nature.

Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).

Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according the recommendations of the British Board of Film Classification or the Council itself.

If performances or activities are likely to attract children, the number of adults required for the supervision of children.

Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.

The measures taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.

Proposals for the provision or arrangement for safe transport of children.

7.4 **Conditions**

The Guidance sets out suggestions for conditions that venue operators may offer relating to the protection of children from harm. This includes the protection of children from moral, psychological and physical harm. In addition the Licensing Authority has devised a pool of conditions which can be found on the Council's website.

In line with the Guidance conditions may be attached relating to the access or, where necessary, the exclusion of people under the age of 18 to a premises licence or club premises certificate where there is:

- A history of offences relating to underage drinking.
- A known association with drug taking or dealing.
- A strong element of gambling on the premises.
- Entertainment of an adult or sexual nature is commonly provided.
- Films shown with age restricted classification.

In line with the Guidance, where they are appropriate, conditions limiting the access of children should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions could

include:

- Requirements for adequate procedures to check ages in premises where alcohol is served.
- Limitations on the hours when children may be present.
- The exclusion of children under certain ages when particular specified activities are taking place.
- Age restrictions (below 18).
- Requirements for accompanying adults.
- Restrictions on the parts of premises to which children may have access.
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

As a Licensing Authority the Council will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives.

At premises and performances which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during an emergency.

8. Early Morning Alcohol Restriction Orders (EMRO)

An EMRO enables a licensing authority to prohibit the sale of alcohol in the whole or part of its area for any specified period between 12am midnight and 6 am, if it is satisfied that this would be appropriate for the promotion of the licensing objectives. If an EMRO is introduced it would apply to premises licences, club premises certificates and temporary event notices that operate within the specified area and period.

EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder or serious public nuisance in specific areas at specific times, which is not directly attributable to specific premises.

The introduction of an EMRO could be suggested by the public or the police. A Licensing Authority is required to advertise any proposal to make an EMRO and demonstrate that they have evidence to justify doing so, as well as considering any representations.

The Licensing Authority will review the need for EMRO's at least every five years in line with the review of this policy to see if circumstances have changed and any are needed, however, the Licensing Authority would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

There are currently no EMRO's in place within North West Leicestershire District.

9. Late Night Levy

A late night levy enables Licensing Authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a power that Licensing Authorities can choose whether or not to exercise.

The levy can either must cover the whole of the Licensing Authority's area or be used to target smaller geographical areas where the night time economy places demand on policing. The Licensing Authority will choose the period during which the levy applies every night, between midnight and 6 a.m., and decide what exemptions and reductions should apply.

The Licensing Authority should discuss the need for a levy with the relevant Police and Crime Commissioner and the relevant Chief Officer of Police. The Licensing Authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy.

Should a Licensing Authority be considering the introduction of a levy, they will prepare and publish a consultation document stating its intention to introduce a levy, its proposed design and the services to be funded with the levy revenue. A Licensing Authority will then consider all consultation responses with a final proposal being put to full Council for their consideration.

The Licensing Authority will review the need for a Late Night Levy at least every five years in line with the review of this policy to see if circumstances have changed and whether a levy is needed, however, the Licensing Authority would consider a Late Night Levy at any time if circumstances changed and evidence supported this course of action.

A Late Night Levy is not considered appropriate and proportionate for the promotion of the licensing objectives.

10. Special Policy on Cumulative Impact

Cumulative impact is the potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area.

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.

The Licensing Authority in considering whether to adopt a special policy has to 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.

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.

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.

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.
- An Early Morning Alcohol Restriction Order (EMRO)
- A Late Night Levy
- The confiscation of alcohol from adults and children in designated areas. A Public Space Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and the police a power to confiscate 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.~~

Cumulative Impact – Ashby de la Zouch Town Centre

A cumulative impact assessment (CIA) has been published by the Council to help limit the number and type of licence applications granted in Ashby de la Zouch town centre.

The cumulative impact policy (CIP) was initially adopted by the Licensing Authority in November 2005 and has been regularly reviewed. The CIP in respect of Ashby de la

Zouch town centre has been retained following reviews of the policy in 2008, 2011, 2014, 2019 and 2022.

Having had regard to the legislation, guidance and evidence received from the Leicestershire Police following the necessary consultation, the Licensing Authority has determined that a CIP should continue to apply in respect of Ashby de la Zouch town centre. The Licensing Authority considers that the number of premises licences and/or club premises certificates within the area marked on the map at Appendix 1 is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

Evidence supporting the necessity of the CIP made reference to both crime and disorder. Evidence showed that the number and density of licensed premises in the area marked on the map at Appendix 1 is having a cumulative impact and leading to problems which are undermining the licensing objectives.

In respect of each relevant application in the area defined at Appendix 1 the Licensing Authority will consider whether it is appropriate to make a representation to the Licensing Sub-Committee as a responsible authority in its own right.

In respect of each application received within the Ashby de la Zouch CIA, the Council will consider whether it is appropriate to make a representation as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. The Council will therefore grant an application where it considers it is appropriate and **where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.**

The CIP applies to:

- applications for **new premises licences or club premises certificates or variations;**
- applications from **premises** operating between **20:00 and 06:00;**
- premises of all types and characteristics. The cumulative impact assessment cannot be absolute. We will continue to allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives will be granted. After receiving relevant representations we will consider whether we would be justified in departing from the cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or theatre may not.
- premises within the area defined at Appendix 1 of the policy.

This CIP adopted by the Licensing Authority will be regularly reviewed. This CIP will remain in place until 25 March 2025, unless reviewed and removed earlier.

The CIP does not relieve responsible authorities or other persons 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.

The Licensing Authority recognises that this CIP cannot be absolute and will continue to consider each application properly on its merits and those that are unlikely to contribute to the cumulative impact problems will be granted.

Where the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

11. Licensing Hours

It is recognised that flexible and staggered 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.

However any licensable activity does have the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving or leave litter. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.

The Licensing Authority welcomes the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst the businesses are promoting the four licensing objectives.

Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours.

Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the Council considers it appropriate for the promotion of the licensing objectives to do so.

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.

The Licensing Authority will seek to avoid arbitrary restrictions on hours of opening that would undermine the principle of flexibility.

The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However, the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants seeking permission for the sale of alcohol for consumption on the premises are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Licensing Authority considers that a 30-minute drinking up time, where relevant, will assist in the gradual dispersal of customers and consequently reduce the impact on the area.

12. Lapsed Licences, Insolvency and Death

In cases where licences have lapsed through insolvency or death, the Council will generally grant a new licence on similar terms to the lapsed licence as a replacement.

Any reapplication will be treated in the same way as other applications. Should representations be received and not resolved the matter will be decided by a hearing.

The Council will take into account the previous history of the premises, the length of time the premises has been closed, and any problems at the premises, and will impose conditions that reflect current good practice for the type of business proposed at the premises.

Where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder, an 'interim authority' notice may be given to the Licensing Authority within 28 consecutive days beginning the day after the licence lapsed. Further information is detailed within the statutory guidance.

13. Variation of Licences

Where a premises licence holder wishes to amend the licence, in most cases an application to vary can be made rather than applying for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licence objectives.

Variations to premises licences or club premises certificates that do not/will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process.

Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and the addition of certain licensable activities.

On receipt of an application for a minor variation, the Licensing Authority will consider whether the variation could impact adversely on the licensing objectives. When considering an application, the Licensing Authority will consult relevant Responsible Authorities and take into account their views if there is any doubt about the impact of the variation on the licensing objectives.

The Licensing Authority will consider any relevant representations received from Other Persons in arriving at a decision. There is no right to a hearing.

The Licensing Authority will not use an application for the variation of a licence as a means to review the licence conditions already granted.

14. Transfer of Licences

When considering an application for the transfer of a premises licence, the Licensing Authority will only have regard to the individual circumstances of the case as set out in any objection raised by the police on the grounds that the transfer will undermine the crime prevention objective or the Home Office (Immigration Enforcement), if it considers that the granting of the transfer would be prejudicial to the prevention of illegal working in licensed premises.

15. Provisional Statements

An application for a provisional statement will be considered in the same way as would an application for a premises licence or club premises certificate, on the assumption that the works are completed as per the schedule of works submitted by the applicant.

16. Review of Licences

At any stage, following the grant of a premises licence or a club premises certificate a Responsible Authority or any Other Person 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.

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.

Where an application for review is made 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 a review originating from any Other Person should not normally be permitted within a period of 12 months on similar grounds.

Where the Licensing Authority receives notice that a magistrates' court has made a closure order it will determine the licence review within 28 days. A hearing will be held within ten working days with a notice of hearing being given no later than five working days before the first hearing date.

A summary review can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process is set out in the 2003 Act and statutory guidance and allows interim conditions to be quickly attached to a licence and a fast track licence review.

17. Personal Licences

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.~~

Every sale of alcohol at a licensed premises is required to be made or authorised by

a personal licence holder. Because of this important role, the Licensing Authority considers it to be good practice for a personal licence holder and the designated premises supervisor to have significant operational involvement in the sale of alcohol rather than to undertake a remote or 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 for most of the day to deal with circumstances requiring their expertise and authority.

Applicants for personal licences who are ordinarily resident in a licensing authority's area are required to make the application to the licensing authority.

Individuals applying for a personal licence must be entitled to work in the UK. Applications made by someone who is not entitled to work in the UK will be rejected.

When applying for a personal licence, the Licensing Authority require applicants to produce an up-to-date Disclosure and Barring Service Scotland Certificate, that is no older than one month. All applicants are also 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.

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.

The Licensing Authority has the power to revoke or suspend personal licences. Where the Licensing Authority has granted a personal licence and becomes aware that a licence holder has been convicted of a relevant offence, the Licensing Authority may revoke the licence or suspend it for a period of up to six months.

18. Permitted Temporary Activities

The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on gives notice to the licensing authority of the event (a temporary event notice or TEN).

There are two types of TEN: a standard TEN and a late TEN. These are two different processes.

~~Where a person wishes to use premises for one or more licensable activities for a period not exceeding 168 hours, that person can serve a:~~

- Standard Temporary Event Notice (TEN): ~~on the Licensing Authority notifying it of the event.~~ The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than ten clear working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.
- Late Temporary Event Notice (LATE TEN): ~~on the Licensing Authority notifying it of the event.~~ The late TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no

later than 5 working days before the first day of the event and no earlier than 9 working days before the first day of the event. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself. A late TEN given less than 5 working days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

Premises can mean any place. Events authorised under a TEN will therefore not always be in a building and can take place for example in public parks and plots with larger areas of land. In all cases the premises user should provide a clear description of the area in which they propose to carry on licensable activities.

Whilst the Licensing Authority recognise that 10 working days is the minimum notice that may be given in respect of a TEN, the Licensing Authority would encourage such notices to be given at least 28 days before the event. to allow the police and Environmental Health services sufficient time to evaluate the likely impact of a temporary event-

The maximum number of persons allowed on the premises at the same time during the temporary event is 499.

A number of limitations are imposed on the use of TENS. These limitations are detailed in section 7 of the statutory guidance.

If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person serving the TEN, and that person need not hold a personal licence.

Only the Police and Environmental Health may object to the staging of a temporary event. If they believe that any of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice'. The objection notice must be given within 3 working days following the day on which the TEN is received.

Where an Objection Notice is received in relation to a standard TEN, a licensing sub-committee will be held to determine the notice within seven working days of the Objection Notice being issued. A hearing may not be necessary if an agreement can be reached beforehand.

Where an Objection Notice is received in relation to a LATE TEN, the event will automatically be refused authorisation. There is no right of appeal in this instance.

There are limitations on the number of TENS that individuals can give and which can be given in relation to a particular premises.

The Act provides that only the Licensing Authority can impose conditions (from the existing conditions on the premises licence or club certificate) to a TEN. The Licensing Authority can only do so:

- If the Police or Environmental Health have objected to the TEN.
- If the objection has not been withdrawn.
- If there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given
- If the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

19. Integrating strategies

The Licensing Authority will seek to achieve integration with the other strategies related to the availability and consumption of alcohol and the reduction of crime and disorder and will consult with the appropriate organisations to achieve this.

19.1 Safer North West Leicestershire Partnership

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.

The Licensing Authority, in making decisions will consider the Community Safety Strategy and the work undertaken by the Safer North West Leicestershire Partnership, especially relating to tackling crime and anti-social behaviour, counter-terrorism, combating the supply and use of drugs and exploitation.

19.2 Planning

The Licensing Authority will ensure that planning permission and licensing regimes are properly separated to avoid duplication and inefficiency. 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. Licensing Committee is not bound by decisions made by Planning Committee and vice versa.

Licensing Committee and officers will consider discussions with planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. Where a terminal hour set as a planning condition differs to the licensing hours, the applicant must observe the earlier closing time.

19.3 Building Control

The Building Regulation process is a separate system to the licensing regime.

Applicants should ensure that all necessary approvals have been obtained before the premises begin operating.

19.4 Promotion of Equality

In developing this strategy, the Licensing Authority has recognised its responsibility, under the Equalities Act 2010 to consider the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity between different groups; and to foster good relations between different groups. ~~persons of different protected characteristics.~~

The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act will be implemented

by the Licensing Authority:

- The Licensing Policy will be available on the Councils webpage, and in other formats upon request.
- Support will be offered to licence applicants, licence holders and those wishing to submit a representation who are socially excluded.
- The impact of decision making upon community cohesion, will be taken into account.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applicants, particularly those from disadvantaged groups, are treated fairly.

19.5 Disabled Access

The Licensing Authority would remind operators of premises of their duties under the Equalities Act 2010. 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.

19.6 Transport

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.

Taxis provide a useful role in transporting people, particularly at times when other forms of public transport are not well provided. Taxi ranks are provided where demand is identified.

19.7 North West Leicestershire Economic Growth Plan

This Economic Growth Plan sets out our ambitions for North West Leicestershire, a thriving and ambitious district in the heart of the National Forest. Working cooperatively with our partners we will continue to develop a successful, sustainable economy, playing an increasingly prominent role in the regional and national economy.

The Plan is based on making the most of the areas strongest assets in terms of People, Place and Business and ensuring that these three gears of the economy function effectively together.

19.8 Public Health

The misuse of alcohol is a significant public health challenge, and it is recognised that alcohol can contribute to a variety of harms, including health, economic, social and community harms. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity.

The availability and density of alcohol outlets are associated with increased numbers of alcohol related hospital admissions, alcohol related mortality and higher levels of alcohol consumption generally. Evidence also suggests that exposure to alcohol

advertising is associated with the onset of drinking in children and increased consumption among young people who already drink.

Leicestershire County Council Public Health has responsibility for commissioning local substance misuse treatment services and to improve and protect the health and wellbeing of the population in Leicestershire. Public Health is also in a position to recognise and make links to the wider health inequalities associated with alcohol and alcohol misuse. For example, the impact of harmful drinking and alcohol dependence is much greater for those experiencing the highest levels of deprivation.

Whilst there is no public health licensing objective, Directors of Public Health are a Responsible Authority and are included in the premises licensing process to provide a health perspective and bring evidence from the health sector into licensing processes and decisions.

As a Responsible Authority, Leicestershire County Council Public Health will work with the Licensing Authority and other partners to ensure the links between the density of licensed premises, alcohol availability and indicators of health-related harm inform licence decisions and promote the licensing objectives. Where there is evidence, Public Health has the ability to make representations in its own right or to support representations by other Responsible Authorities. Such representations can potentially be made on the grounds of upholding all four of the licensing objectives.

Although indicators included in the Local Alcohol Profiles for England (LAPE) tool ¹ show similar or below the national average rates for Leicestershire and for the majority of indicators for North West Leicestershire, it is recognised that inequalities may still exist within this picture at a lower level than current available data captures.

In addition some indicators for North West Leicestershire, including alcohol related mortality (females only), admissions for alcohol related conditions (females only) and admission episodes for alcohol related conditions (in 40 – 64 year olds), have rates above both the East Midlands and England rates for 2021/22.

Public Health will continue to monitor and share available data and look to obtain lower level and more up to date data where possible to inform its input as a Responsible Authority.

Alcohol related harm still poses a risk to our communities and licensing policy can play an important role in contributing to reducing the levels and impact of alcohol consumption.

Applicants are therefore encouraged by the Licensing Authority and Public Health to carefully consider the health impacts of their proposed activities in relation to the licensing objectives, and for those considerations to be reflected in their applications and operating schedules.

20. Related Policies

20.1 Street Trading Policy

North West Leicestershire District Council administers a Street Trading Consent scheme. The whole District is considered to be a consent area.

Those street traders who provide hot food or drink between 23:00 and 05:00 hours

also require a premises licence under the Licensing Act 2003.

Street traders equipped with a mobile catering vehicle may apply for a premises licence to supply late night refreshment but as part of the application process will be required to provide the details of the area in which they want to trade. This trading area will be quite well defined within the broader landscape and will act as the 'premises'. Trading will not be allowed outside the 'premises' area. The applicant will also be required to provide a description including photographs of their mobile catering vehicle.

To make a change to the vehicle or the 'premises' trading area a licence holder will be required to submit a fresh premises licence application.

20.2 Sex Establishment Venues (SEV)

The Council introduced its SEV policy on 29 March 2011 and although there is an understanding that no SEV licences will be granted the policy does accept there may be exceptional circumstances where this principle may be overturned. Should a SEV licence be granted its conditions will be integrated with any Licensing Act authorisation.

Licence holders taking advantage of the facility to have up to 11 events in any 12 month period must take all measures to comply with the four licensing objectives. Failure to comply may result in the premises licence/club premises certificate being reviewed.

21. Avoiding Duplication

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.

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.

22. Conditions

Each application will be considered on its own merits and in accordance with this policy.

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 appropriate and proportionate for the promotion of one or more of the licensing objectives.

The Guidance contains a pool of conditions from which the Licensing Authority may draw appropriate conditions to cover particular circumstances. However, it is not intended to be an exhaustive list and other specific conditions may be appropriate.

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. The list of mandatory conditions can be found within the legislation and guidance.

23. Enforcement

The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives.

The Licensing Authority will develop and review enforcement protocols in consultation with the police and other relevant enforcing authorities.

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 Regulators' Code and the general enforcement policy of the Licensing Authority, which aims to ensure that enforcement is transparent, fair, reasonable and proportionate.

The Licensing Authority will investigate complaints relevant to the four licensing objectives in relation to licensed premises. In the first instance, complaints will be encouraged to raise the complaint directly with the licensee or business concerned. Where a Responsible Authority or any other person has made:

- Valid representations about licensed premises; or
- A valid application for a licence to be reviewed;

then the Licensing Authority may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

North West Leicestershire District Council will continue to support and participate in the Leicester and Leicestershire Licensing Best Practice Group – The licensing group aims to:

- Develop consistency in approach and procedure between Licensing Authorities and Responsible Authorities.
- Develop liaison with agencies and other relevant organisations.
- Promote best practice.

North West Leicestershire District Council will continue to support and participate in the Leicester and Leicestershire Regulatory Services Partnership – The Partnership aims to:

- Act as a strategic forum for licensing.
- Enhance the potential for sharing resources.

~~24. European Union Services Directive~~

~~The EU Services Directive provides a mechanism for its citizens to apply for alcohol licences 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.~~

~~The Licensing Authority's EU Services Directive web pages can be found at www.nwleics.gov.uk/pages/licences-and-street-trading.~~

Formatted: Not Highlight

245. Delegation of Functions

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.
- Determination of an Environmental Health objection to a temporary event notice.

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.
- Application to vary a designated premises supervisor.
- Application for transfer of a premises licence.
- Application for interim authority.

The Licensing Authority will ensure that all members appointed to serve as members on the Licensing Committee have undergone appropriate training before they act in that capacity.

A table of delegations of licensing functions is detailed at Appendix 2

256. Appeals

Applicants and those making representations in respect of applications and reviews to the Licensing Authority have the right of appeal to the Magistrates' Court against the Licensing Authority's decisions. Further information on how to appeal can be obtained by contacting Leicester Magistrates Court, The Court House, 15 Pocklington Walk, Leicester LE1 6BT

267. Fees

Following amendments that came into force in October 2012 the Licensing Act 2003 requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

278. Period of Validity and Review

This statement of licensing policy will come into force on ~~DATE~~**26 March 2024** and be valid for five years, subject to review.

The policy will be kept under review during that period and if necessary amendments made.

289. Contacts

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

In writing to: Environmental Health - Licensing
North West Leicestershire District Council
PO BOX 11051 Council Offices
Coalville
Leicestershire
LE67 3FJ

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

~~By fax to: 01530 454574~~

Document History

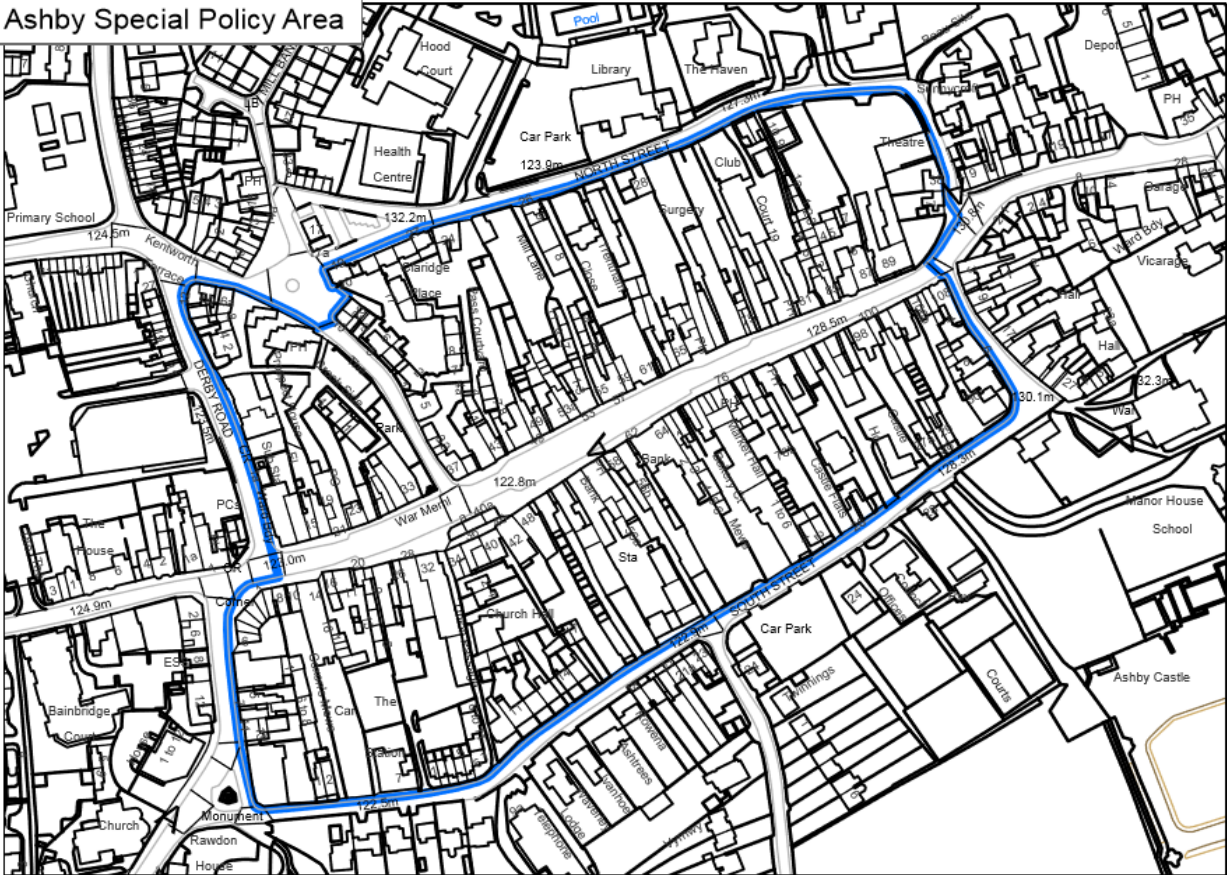
Issue 1	7 January 2005 – 7 November 2005
Issue 2	8 November 2005 – 6 January 2008 (Ashby Special Policy)
Issue 3	7 January 2008 – 15 January 2008
Issue 4	15 January 2008 – 6 January 2011
Issue 5	7 January 2011 – 25 March 2014
Issue 6	26 March 2014 – 25 March 2019 (unless reviewed)
Issue 7	26 March 2019 – 25 March 2024 (unless reviewed)
Issue 8	DATE 2024 – DATE 2029 (unless reviewed)

Appendix 1



1:2,500

All maps reproduced from the Ordnance Survey mapping with the permission of the Controller of her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy has been produced specially for reference purposes only. No further copies may be made. NW Leicestershire LA 078832 2018



Appendix 2

Table of Delegations of Licensing Functions

Matter to be Dealt With	Licensing Committee	Sub-Committee (3 Member Panel)	Authorised Officer
Application for Personal Licence		If an objection is made	If no objection made
Application for a personal licence with unspent convictions		All cases	
Applications of premises licence / club premises certificate		If a representation is made	If no representation made
Application for provisional statement		If a representation is made	If no representation made
Application for Minor Variation to vary premises licence / club premises certificate			All cases
Application to vary premises licence / club registration certificate		If a representation is made	If no representation made
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor / personal licence holder			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for Interim Authorities		If a police objection is made	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police and / or Environmental Health representation to standard Temporary Event Notice		All cases	
Determination of a police and / or Environmental Health representation to a Late Temporary Event Notice			All cases

Appendix 3

Responsible Authorities

A current list of contact details for each authority is provided on the Council's web pages. Alternatively contact details can be obtained by contacting the Licensing Authority by telephone on 01530 454545 or by email at licensing@nwleicestershire.gov.uk.

Responsible Authority	Name of Local Organisation
Chief Officer of Police	Leicestershire Police
Local Safeguarding Children Board	Leicestershire & Rutland Local Safeguarding Children Board Leicestershire County Council
Local Fire & Rescue Authority	Leicestershire Fire & Rescue Service
Local Planning Department	Development Control Team North West Leicestershire District Council Council Offices
Local Authority with responsibility for Environmental Health (Public Nuisance)	Environmental Protection Team North West Leicestershire District Council Council Offices
Local enforcement agency for Health & Safety at Work	Environmental Health – Safety North West Leicestershire District Council
Licensing Authority	Environmental Health – Licensing North West Leicestershire District Council
Trading Standards	Trading Standards Business Services Leicestershire County Council
Director of Public Health	Public Health Leicestershire County Council
Home Office Immigration Enforcement	Licensing Function
Navigation Authority (vessels only)	Environment Agency Canal & River Trust