

**SEFTON METROPOLITAN BOROUGH COUNCIL**

**LICENSING ACT 2003**

**LICENSING POLICY STATEMENT**

**Draft Version 2023**

| <b>CONTENTS</b>  | <b>PAGE</b> |
|--|-------------|
| 1.0 General Statement <ul style="list-style-type: none"><li>• Sefton</li></ul>   |             |
| 2.0 Scope <ul style="list-style-type: none"><li>• Personal Licences</li><li>• Premises Licences and Club Premises Certificates</li><li>• Late Night Refreshment</li><li>• Temporary Event Notices</li></ul>            |             |
| 3.0 Licensing Objectives <ul style="list-style-type: none"><li>• Prevention of Crime and Disorder</li><li>• Public Safety</li><li>• Prevention of Public Nuisance</li><li>• Protection of Children from Harm</li></ul> |             |
| 4.0 Links to Other Policies  |             |
| 5.0 The Licensing Process <ul style="list-style-type: none"><li>• Hearings</li><li>• Reviews of Licences</li></ul>   |             |
| 6.0 Licensing Hours  |             |
| 7.0 Children   |             |
| 8.0 Licensing Conditions   |             |
| 9.0 Cumulative Impact Assessment   |             |
| 10.00 Enforcement  |             |

## **ANNEXES**

The following annexes do not form part of the approved Statement of Licensing Policy but are included to assist applicants in meeting the requirements of the licensing process.

- Annex 1 - Map of Sefton
- Annex 2 - Contact details for responsible authorities
- Annex 3 - Crime and Disorder
- Annex 4 - Public Safety
- Annex 5 - Public Nuisance
- Annex 6 - Children

## 1.0 GENERAL STATEMENT

- 1.1 Sefton Metropolitan Borough Council (“the Council”) is the Licensing Authority (“the Authority”), under the Licensing Act 2003 (“the Act”), responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in respect of the retail sale and/or supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.2 The Act requires that the Council publish a statement of licensing policy. Accordingly this policy statement has been prepared and published in compliance with the requirements of Section 5 of the Act and with regard to guidance issued under Section 182 of that Act. In drawing up this policy the Council has also had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.
- 1.3 This policy statement sets out the general approach to the making of licensing decisions. It does not prevent any individual from making any application, under the terms of the Act, and having that application considered on its individual merits. Nor does it override the right of any person to make representations on an application or to seek a review of a licence or certificate where the Act allows them to do so.
- 1.4 This policy statement will be subject to a periodic review every five years, between those periodic reviews it may also be subject to ongoing reviews, particularly where feedback indicates that the Licensing Objectives are not being met.
- 1.5 In carrying out its licensing functions the Authority will promote the Licensing Objectives which are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.

See Section 3.0 for more information.

### Sefton

- 1.6 Sefton is one of the six Metropolitan Boroughs that make up Merseyside. It lies in the northern part of the Liverpool City Region with which it shares close economic, social, cultural and transport links and stretches 22 miles north from Bootle to Southport. It also has important links to Preston and West Lancashire. Sefton adjoins the City of Liverpool to the south, the borough of Knowsley to the south-east, and the largely rural West Lancashire elsewhere. The location of Sefton is shown by the map provided at Annex 1.
- 1.7 Sefton is an area of great contrasts with beautiful coastlines, rural landscapes and industrial/commercial areas; working docklands, commuter towns and a busy seaside resort; areas of great affluence but also some of the most deprived

communities in England and Wales. Sefton has a number of famous features that help make it distinctive. These include the resort of Southport, an outstanding natural coast, the home of the Grand National at Aintree, England's 'golf coast' including Royal Birkdale, and Antony Gormley's 'Iron Men' sculptures on Crosby beach with most of the Port of Liverpool being situated in the south of the Borough.

1.8 Sefton has a resident population of 275,899 (2021 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.

1.9 The main centres of population are the urban and suburban areas of Bootle, Crosby, Maghull, Formby and Southport.

- Bootle is an area of mainly Victorian terraced properties, with busy working docklands and a mixture of retail and office developments at its centre. In recent years, much of the area was designated as part of the Merseyside 'Housing Market Renewal Area'. The initiative has begun to change the housing quality, type and tenure available, mainly through demolition of low-demand homes and clearance of low grade or vacant industrial sites and rebuilding of new homes.

- Southport at the north of the Borough has a traditional, quality image, borne out of its Victorian and Edwardian architectural and landscape grandeur. This heritage has led to Southport being described as a 'classic resort'. This, coupled with family attractions and recent growth in 'eco-tourism', has enabled it to endure changing holiday patterns. There has been significant investment in the town centre and Seafront in recent years, but both its leisure and retail areas continue to need to be revitalised. Southport Business Improvement District, the Council, Merseyside Police, Pubwatch, Light for Life and Street Pastors have been successful in applying for Purple Flag status.

- Formby, Crosby and Maghull are largely residential with a smaller number of commercial premises, there are therefore relatively few employment areas here. These are however distinctive settlements in their own right, and all function as commuter settlements for the Liverpool City Region.

1.10 The Local Plan for Sefton will allow development in town centre areas as long as it does not cause significant harm to amenity, would not result in grouping of similar uses which would harm the character of the area or harm residential amenity. Planners may use conditions to restrict opening hours.

1.11 Seftons profile is reflected by statistics that show over 75% of the jobs in the borough are in the service sector and an adaptable and skilled workforce, that have an acknowledged excellent labour relations record.

1.12 Noise has been a problem in certain areas and from certain premises, with complaints about licensed premises tending to relate to poorly constructed or poorly managed premises. Complaints are also received about noise and

disturbance from people going to or leaving licensed premises, this is mainly in the areas of greatest concentration of licensed premises or from premises located in residential areas.

- 1.13 Trains and buses do not operate all night and whilst there are up to 2000 licensed taxis and private hire vehicles in the borough, problems can arise at times of high demand with insufficient transport readily available for the large numbers of potential customers.

## **2.0 SCOPE**

2.1 This Policy Statement covers the following ‘licensable activities’:

- The licensing of individuals for the retail sale of alcohol (Personal Licence);
- The licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (Premises Licence);
- The supply of alcohol or the provision of regulated entertainment to certain clubs (Club Premises Certificate);
- The permitting of certain licensable activities on a temporary basis (Temporary Event Notice)

2.2 In this regard the policy covers new applications, transfers, variations and minor variations of Licences and also includes the review of Licences and Certificates, which could lead to revocation.

2.3 It should be noted that incomplete applications will be returned to the applicant and the period for determination will not commence until a valid application has been submitted.

### Personal Licences

2.4 A Personal Licence is granted to an individual and authorises the supply of alcohol in accordance with a Premises Licence.

2.5 An applicant has to demonstrate that they have an appropriate licensing qualification, are aged over 18 years, do not have a relevant or foreign criminal conviction or have been required to pay an immigration penalty. In addition they must also demonstrate that they have the right to work within the United Kingdom.

2.6 The holder of a Personal Licence is required by the Act to report (as soon as reasonably practicable) to the Licensing Authority any change to their name or address. Similarly should they receive a conviction for any relevant criminal offence or foreign offence or have been required to pay an immigration penalty they must report this in writing (again as soon as reasonably practicable). On receipt of which the Licensing Authority has the discretion to suspend, for up to 6 months, or to revoke the Licence. In addition any Personal Licence issued in

respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the United Kingdom.

- 2.7 Further information on this type of Licence can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

#### Premises Licences and Club Premises Certificates

- 2.8 A Premises Licence / Club Premises Certificate is required for any premises where it is intended that a licensable activity should take place.

- 2.9 The Act states that the following persons may apply for a Premises Licence in respect of any premises:

- A person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates;
- Any person who makes the application pursuant to:
  - i) any statutory function discharged by that person which relates to those licensable activities, or
  - ii) any function discharged by that person by virtue of Her Majesty's prerogative,
  - iii) a recognised club,
  - iv) a charity,
  - v) the proprietor of an educational institution,
  - vi) a health service body,
  - vii) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital,
  - viii) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England,
  - ix) a chief officer of police of a police force in England and Wales,
  - x) a person of such other description as may be prescribed.
- An individual may not apply for a premises licence if s/he is not aged 18 or over.
- An individual who is resident in the United Kingdom may not apply for a Premises Licence authorising premises to be used for the sale of alcohol and/or late night refreshment unless the individual is entitled to work in the United Kingdom.

- 2.10 The grant of a Club Premises Certificate means that a club is entitled to certain benefits, which include the authority to supply alcohol to its members and sell it to guests without the need for any member or employee to hold a personal licence, and the absence of a requirement to specify a designated premises supervisor. There are also more limited rights of entry for the police and other authorised persons, as the premises are considered private and not generally open to the public.

- 2.11 Unless requested by the applicant, the Licence / Certificate will not be time limited. However any Premise Licence issued in respect of an application made on or after 6 April 2017 (and including the sale of alcohol and/or late night refreshment) will become invalid if the Premise Licence holder is in an individuals name and ceases to be entitled to work in the United Kingdom.
- 2.12 Further information on this type of Licence / Certificate can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

#### Late Night Refreshment

- 2.13 The provision of late night refreshment is defined as the supply of hot food or hot drink on or from premises to members of the public between 11pm and 5am for consumption on or off the premises. Schedule 2 of the Act makes provision for exempt supplies of hot food or hot drink; these include supplies which can only be made from premises which are recognised clubs or hotels to persons admitted to those premises as a member of the club or as an overnight guest at the hotel, and supplies by means of a self service vending machine or which are free.
- 2.14 Changes made to Schedule 2 of the Act by the Deregulation Act 2015 provide a licensing authority with the discretionary powers to exempt the supply of late night refreshment from the licensing regime if it takes place:
- i) On or from premises which are wholly situated in a designated area;
  - ii) On or from premises which are of a designated description; or
  - iii) During a designated period (beginning no earlier than 11pm and ending no later than 5am).
- 2.15 The Authority has not yet exercised these powers; if it should then a list of any designated areas, designated descriptions or designated periods will be included as an Annex to this Policy.

#### Temporary Event Notices

- 2.16 The Act states that the organiser of a Temporary Event must give the Licensing Authority, the local authority exercising environmental health functions and the Police notice of the event.
- 2.17 The Act states that a “standard” Temporary Event Notice (“TEN”) may be served (up to) 10 working days prior to a permitted Temporary Event, whilst a “late” TEN may be served (up to) 5 working days prior to a permitted Temporary Event.
- 2.18 TENs are subject to certain limits, which are set by statute, further information on these can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

### **3.0 LICENSING OBJECTIVES**

- 3.1 In carrying out its licensing functions the Authority will promote the Licensing Objectives which are:

- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 3.2 To achieve these objectives the Authority will use a full range of measures including its planning, transport and crime and disorder policies and powers. The Authority will work in partnership with Merseyside Police, Merseyside Fire Authority, local businesses, local pubwatches, community representatives and local people in meeting these objectives.
- 3.3 Applicants will be expected to undertake their own enquiries about the area in which their premises are situated to inform the content of their application and in particular they will be expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- The layout of the local area and physical environment including crime and disorder hotspots, hotspots of ill health (particularly children) caused by alcohol, proximity to residential premises and proximity to areas where children may congregate;
  - Any risk posed to the local area by the applicants' proposed licensable activities; and
  - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 3.4 Applicants will be expected to include positive proposals in their application on how they will manage any potential risks. For example, premises with close proximity to residential premises should consider smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

#### Prevention of Crime & Disorder

- 3.5 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Crime and Disorder objective, applicants should consider the following matters in particular:
- The capability of the person in charge to ensure effective and responsible management of the premises;
  - The training given to staff in crime prevention measures;
  - Procedures for risk assessing promotions and events, such as 'happy hours' in relation to crime and disorder, and the plans to minimise such risks;
  - Adoption of best practice in relation to safer clubbing etc;



- Physical security features installed in the premises (i.e. location and standard of CCTV equipment, toughened drinking glasses etc);
- Measures to prevent the supply of illegal drugs, including search and entry policies;
- Employment of SIA licensed door supervisors;
- Participation in an appropriate crime prevention scheme (e.g. 'pubwatch');
- Measures to be taken for the prevention of violence and disorder;
- The presence, or access to, sufficient transport facilities to ensure that customers can leave the premises safely and swiftly;
- Weapon detection and search facilities;
- Illegal sale of alcohol to those who are already drunk;
- Participation in any existing radio network scheme

3.6 Annex 3 gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

#### Public Safety

3.7 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Safety objective, applicants should consider the following matters in particular:

- The safe occupancy capacity of the premises, in particular having regard to floor area and means of escape;
- The age, design and layout of the premises, including the means of escape;
- The nature of the licensable activities provided, in particular the sale of alcohol;
- Hours of operation;
- Customer profile (age, disability etc);
- The necessary Health and Safety and Fire risk assessments for the premises, and other measures to reduce risk to public safety;
- The number of people employed or engaged to secure the safety of all persons attending the premises or event;
- Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation;
- Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard;
- Implementation of appropriate crowd management measures

3.8 Annex 4 to this Policy gives some further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

#### Prevention of Public Nuisance

3.9 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Nuisance objective, applicants should consider the following matters in particular:

- The type of activity, its frequency and the number and nature of customers likely to attend;
- Measures taken, or proposed, to prevent noise and/or vibration escaping from the premises given its location and proximity to residential and other noise sensitive premises. This would include music, plant noise and human voice, whether amplified or not;
- Measures taken to prevent the transmission of sound and/or vibration to adjoining properties;
- Measures taken, or proposed, for management and supervision of the premises and open areas to minimise unreasonable disturbance by customers and staff arriving or leaving the premises, including the delivery of goods and services;
- The proposed hours of operation for all, or parts, of the premises;
- Measures taken to prevent cooking odours and other smells escaping from the premises;
- Means of access to and egress from the premises, including customer entrances and exits on principal pedestrian routes;
- Whether routes to and from the premises pass residential premises;
- Whether the premises would result in increased refuse storage, disposal problems or additional litter in the vicinity of the premises, including measures taken to ensure the collection and disposal of litter and waste outside the premises;
- Measures to be taken to reduce drunkenness on the premises, e.g. the “Drink Less Enjoy More” scheme;
- If appropriate, a ‘wind down’ period between the end of the licensable activities and closure of the premises;

3.10 If sound leakage from the premises is identified by the applicant, or any responsible authority, the Authority will expect this to be addressed in practical ways, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation, or if necessary, air conditioning;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing soundproofing measures to contain sound and vibration

3.11 In premises where customers leave late at night, or early in the morning, the Authority will expect the applicant to have included, in the Operating Schedule, such practical steps as:

- Erecting prominent notices at the exits to the premises asking customers to leave quietly and not to slam car doors;
- At appropriate time making loud speaker announcements to the same effect;
- Instructing door staff to ask customers leaving the premises to do so quietly;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;

- Improving availability of licensed taxis or private hire vehicles to take customers from the premises;
- Refusing entry to people known to regularly leave in a noisy manner;
- The supervision of any queues so as to keep noise and disturbance to a minimum

3.12 Annex 5 to this Policy gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

#### Protection of Children from Harm

3.13 It is not possible to anticipate every issue of concern that could arise with regard to each individual premises in respect of children, however, when making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the protection of children from harm objective, applicants should, in particular, consider how they will prevent children from:

- Acquiring or consuming alcohol;
- Being exposed to drugs, drug taking or drug dealing;
- Being exposed to gambling;
- Being exposed to entertainment of an adult or sexual nature;
- Being exposed to incidents of violence or disorder;
- Being exposed to excessive noise.

3.14 With regard to the mandatory condition concerning age verification policies, the Authority recommends that the following documents should be used as proof of age:

- Passport;
- 'Photocard' Driving Licence; or,
- Any PASS (Proof of Age Standards Scheme) card (details from [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk)).

3.15 The Authority will normally require persons working with children, in respect of premises holding under 18 regulated entertainment, to undergo an enhanced Criminal Records Bureau check before they are appointed.

3.16 In recent years there has been an increasing awareness of the problems in society generally connected with Child Sexual Exploitation. It is this Authority's opinion that Child Safeguarding is everyone's responsibility and that licensed premises should be vigilant in this regard particularly those premises which may be expected to attract under 18 year olds such as nightclubs, fast food outlets, cinemas screening children's films etc. Operators of licensed premises should have in place appropriate child safeguarding measures and should seek the advice of the Council's Safeguarding Children's Unit in this respect.

3.17 Annex 6 to this Policy gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

#### **4.0 LINKS TO OTHER POLICIES**

- 4.1 The Authority will ensure proper integration of this and other related policies and strategies, including its cultural, economic development, local crime prevention, health, planning, race equality, transport, tourism and town centre management strategies, through consultation, ongoing communication and reporting arrangements between the Licensing and Regulatory Committee, the Licensing Unit and other relevant bodies.
- 4.2 All licensing activities will be undertaken in compliance with the Authority's Race Equality Scheme which recognises its responsibilities under the Race Relations Act 1976.
- 4.3 This Policy Statement also recognises the Disability Discrimination Act 1995 as well as recognising that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.
- 4.4 The Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to promote the prevention of crime and disorder and it will also have regard to these duties when determining applications.
- 4.5 The Authority recognises the need and wider cultural benefits of encouraging and promoting a broad range of entertainment, particularly live music, dance and theatre and will seek to avoid measures that unnecessarily deter the provision of such entertainment.
- 4.6 The Authority recognises the impact of irresponsible consumption of alcohol on crime, disorder and health and will expect Licensees to ensure that alcoholic drinks are packaged, presented and sold in a socially responsible way.
- 4.7 The Authority also encourages Licensees to give consideration to the National Alcohol Harm Reduction Strategy and any Alcohol Harm Reduction Strategy that may be in force from Sefton Council, in particular the contribution they can make to reducing the harm caused by irresponsible consumption of alcohol.

#### **5.0 THE LICENSING PROCESS**

- 5.1 In determining a licence application the overriding principle adopted by the Authority will be that each application will be determined on its merits.
- 5.2 The decisions taken by the Authority will be focused on matters within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 5.3 In addressing this matter, the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
- 5.4 Whilst recognising that licensing law is a key aspect in the general control of anti-social behaviour and forms part of the holistic management of the evening and night-time economy, in taking its decisions the Authority will take into account the fact that it is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the Licence, Certificate or Permission concerned.
- 5.5 The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are kept separate.
- 5.6 There may be circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 5.7 Licensing decisions and functions may be taken or carried out by the Licensing Committee, or delegated, where appropriate, to sub-committees or officers. The principal of delegation will be to ensure that decisions and functions, particularly non-contentious applications and purely administrative functions are taken or carried out in a speedy, efficient and cost-effective way.
- 5.8 The delegation of decisions and functions will be as follows:

| <b>Matter to be Dealt With</b>                                   | <b>Sub-Committee</b>              | <b>Officers</b>                    |
|--|-----------------------------------|------------------------------------|
| Application for a personal licence                               | If a Police objection             | If no objection made               |
| Application for personal licence with unspent convictions        | All cases                         |                                    |
| Application for premises licence / club premises certificate     | If a relevant representation made | If no relevant representation made |
| Application for a provisional statement                          | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence / club premises certificate | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor               | If a Police objection             | All other cases                    |
| Request to be removed as designated premises supervisor          |                                   | All cases                          |

|  |                       |                 |
|--|-----------------------|-----------------|
| Application for transfer of premises licence   | If a Police objection | All other cases |
| Application for interim authorities  | If a Police objection | 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 relevant authority considering the application    | All cases             |                 |
| Determination of an objection to a temporary event notice  | All cases             |                 |
| Determination of application to vary premises licence at community premises to include alternative licence condition | If a Police objection | All other cases |
| Decision whether to consult other responsible authorities on minor variation application                             |                       | All cases       |
| Application for minor variation  |                       | All cases       |

5.9 Applicants for grants or variations of Premises Licences / Club Premises Certificates are required by the Act to copy details of their applications to the following “responsible authorities”, who may make representations about the application or ask the Authority to review a Premises Licence / Club Premises Certificate:

- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- The chief officer of police;
- The local fire authority;
- The local enforcement agency for the Health and Safety at Work Etc Act 1974 (the local authority or the Health and Safety Executive as appropriate to each particular premises);
- The local authority with responsibility for environmental health;
- The local planning authority;
- The body responsible for the protection of children from harm;
- The local weights and measures authority;
- The Home Office;
- The Primary Care Trust or Local Health Board, and,
- Any other licensing authority in whose area part of the premises are situated.

5.10 The appropriate points of contact for the abovementioned responsible authorities, i.e. the person to whom copies of applications should be sent, are listed in Annex 2.

5.11 The Authority will notify those residential and business properties with curtilages abutting those premises applying for a Premises Licence or a Club Premises

Certificate, the Variation of a Premises Licence or Club Premises Certificate, or any premises subject to a review. Whilst this is not a statutory requirement, the Authority is of the belief that it is important to ensure that the community are fully aware of licensing applications made in their area and as such this will ensure that local people have a voice in licensing decisions. As part of our statutory requirements we will also advertise these applications on [www.sefton.gov.uk](http://www.sefton.gov.uk).

- 5.12 In respect of minor variations the overall test for Officers will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.

#### Hearings

- 5.13 A hearing will be arranged to deal with any application which cannot be dealt with under delegated powers or resolved by agreement between applicants and other parties and/or 'responsible authorities'.

#### Review of licences

- 5.14 Following the grant of a Premises Licence or Club Premises Certificate a 'responsible authority' or any other party may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred. Similarly the Authority itself may instigate a review of the licence in a similar manner.
- 5.15 The Authority considers that other parties and 'responsible authorities' will give licence holders sufficient warning of any concerns they may have with regard to problems identified at the premises and the need for improvement. The Authority therefore expects licence holders to respond to such warnings and implement the necessary remedial action. A failure to respond to such warning could lead to a decision to request a review of the licence.
- 5.16 In all cases where a representation for a review is made it must relate to a particular premises for which a Licence/Certificate is in force and must be relevant to the promotion of the four Licensing Objectives.
- 5.17 Requests for reviews may be rejected where, in the view of the Authority, the complaint is not relevant (to the Licensing Objectives), is vexatious, frivolous or repetitious.
- 5.18 Where a review has been accepted by the Authority and where a statement from a proposed witness is served on the Authority and all other relevant parties at least 14 days prior to the date notified for the hearing of a review, that witness statement shall be taken as fact unless written notice requiring the attendance of that witness is given to the party putting forward the witness, and to the Authority, at least five working days prior to any review hearing.

## **6.0 LICENSING HOURS**

- 6.1 The Authority will not prescribe general licensing hours and in determining licensing hours the Authority will not limit opening hours without consideration of the circumstances and individual merits of each application.
- 6.2 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the Authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 6.3 The Authority will consider in each case the evidence presented to it and in particular, where relevant and appropriate:
- a) Any evidence that longer hours may lead to public nuisance later at night, particularly where residents are affected;
  - b) Any evidence of policing difficulties late at night;
  - c) Any evidence of difficulties experienced in late night street cleaning;
  - d) Any evidence that premises licensed for longer hours are in fact closing, or likely to close, at the same hour so producing peaks of disturbance later at night;
  - e) Any evidence that those drinking longer are creating disorder later at night.
- 6.4 In general the Authority will seek to ensure that nuisance is minimised to local residents and will demand stricter conditions with regard to noise and nuisance control in areas of denser residential accommodation.
- 6.5 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the hours they intend to open unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.
- 6.6 Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the Community.

## **7.0 CHILDREN**

- 7.1 The Authority can only attach conditions where an objection is upheld following a hearing. Licensing covers a wide variety of types of premises and activity. The Authority will not seek to limit access of children to any premises unless such access is specifically prohibited by the Act or it is otherwise considered necessary for the prevention of physical, moral or psychological harm. Each application and the circumstances obtaining to each application will be considered on its own merits.
- 7.2 The Authority would be most likely to take such action in relation to premises where there have been convictions for members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking; a known association with drug taking or dealing; a strong element of gambling on



the premises; where entertainment of an adult or sexual nature is commonly provided; or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.3 Where it is considered necessary, for the prevention of physical, moral or psychological harm, to limit the access of children, the following options, or combination of options may be imposed:

- Limitations on the hours when children may be present;
- Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults; and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

7.4 The Authority will not impose conditions requiring the admission of children to any premises. The Authority believes that where no licensing restriction is necessary, the admission or otherwise of children to a premises should remain a matter for the discretion of the individual licensee or club.

7.5 The provision of entertainment to children will require the presence of sufficient adults to control the access, egress and safety of the children. Where regulated entertainment is provided for children, or large numbers of children may be expected, conditions may be imposed to require an appropriate ratio of adult staff to be present, to control access egress and safety of the children.

7.6 Where a licence relates to the exhibition of films, the Authority will expect that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. In exceptional cases the Authority may vary the age-restriction applied to a film to be exhibited within its area.

## **8.0 LICENSING CONDITIONS**

8.1 As indicated in Paragraph 7.1 above, the Authority can only attach conditions where an objection is upheld following a hearing. In these instances only those conditions considered appropriate to meet the Licensing Objectives will be imposed. The Authority will avoid the imposition of disproportionate and overburdensome conditions where there is no need for them.

8.2 The Authority will seek to avoid any duplication with other regulatory regimes. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (for example, health and safety at work and fire safety legislation). However, the Authority will expect licencees to maintain compliance with those other regulatory regimes and would encourage licencees to adopt best practice wherever possible.

- 8.3 To ensure consistency the Authority will maintain pools of conditions, from which appropriate and proportionate conditions, tailored to the individual style and characteristics of the premises and events to which an application relates, may be drawn when necessary in particular circumstances. Conditions will, so far as possible, reflect local crime prevention strategies.
- 8.4 When considering whether an entertainment being provided 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 the provision is regulated or not and therefore organisers of events should check with the Authority if in doubt.
- 8.5 Further information on what constitutes ‘the provision of regulated entertainment’ (and in what circumstances) can be found via the Sefton Council Website at [www.sefton.gov.uk](http://www.sefton.gov.uk).

## **9.0 CUMULATIVE IMPACT ASSESSMENT**

- 9.1 A cumulative impact assessment (“CIA”) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 9.2 Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
  - residents’ questionnaires;
  - evidence from local councillors; and
  - evidence obtained through local consultation.
- 9.3 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives.
- 9.4 The Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are

the same in areas with a CIA as they are elsewhere. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 9.5 This Authority has not published a CIA, however it should be noted that although the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Act.
- 9.6 Each decision in an area subject to a CIA would still need to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. It is also noted that the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

## **10.0 ENFORCEMENT**

- 10.1 Enforcement action will be taken in accordance with the Authority's Licensing Enforcement Policy, will follow the Hampton principles and will be targeted, proportionate and transparent. The inspection of premises will be undertaken, when necessary, on a risk assessment and targeted basis, ensuring that resources are concentrated on high risk and problem premises and activities and again these will recognize the Hampton principles.
- 10.2 The Authority has established protocols on enforcement issues with the local Police, to provide for a more efficient deployment of Local Authority staff and Police Officers who are commonly engaged in enforcing Licensing Law and the inspection of licensed premises. In particular, these protocols provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch in respect of those low-risk premises that are well run.