

# ANNEX 1



**SEFTON METROPOLITAN BOROUGH COUNCIL**

**LICENSING ACT 2003**

**LICENSING POLICY STATEMENT**

**Draft V.2**

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## **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
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## **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 three 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.

### Sefton

- 1.5 Sefton is one of the five Metropolitan Boroughs that make up Merseyside. It is located north of Liverpool on the west coast of England and stretches 22 miles north from Bootle to Southport. The location of Sefton is shown by the map provided at Annex 1.
- 1.6 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.
- 1.7 Sefton has a resident population of 283,000 (2001 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.
- 1.8 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.
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- Southport at the north of the Borough is a Victorian seaside/holiday resort which has a mix of residential and commercial premises at and near its centre, including private houses, apartments, hotels, retail outlets and licensed /entertainment premises.
  - Formby, Crosby and Maghull are largely residential with a smaller number of commercial premises.
- 1.9 The Unitary Development 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.
- 1.10 There have been a number of studies in recent times relating to the night-time economy, particularly in relation to the “classic” resort status of Southport, these have helped shape Sefton’s vision for developing a sustainable pattern of licensing, as expressed in 1.14 below.
- 1.11 Sefton’s Safer and Stronger Communities Partnership, as part of its legal responsibilities under the Police and Justice Act 2006, determines which crime, disorder, anti-social behaviour, substance misuse, environmental crime and offending issues effect local communities the most. Nationally, crime figures suggest that victims of violent crime believed their attacker was under the influence of alcohol in 47% of incidents, increasing to 62% when they did not know the attacker; violent crime within Sefton reflects this national picture.
- 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.

#### Sefton’s Licensing Vision

- 1.14 Sefton’s vision for future licensable activities can be summarised as follows:

*“In undertaking its licensing functions, under the Licensing Act 2003, Sefton Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the Borough.*

*Sefton Council wishes to see a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular, Sefton wishes to see a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.*

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*To achieve this, the Licensing Authority will seek to give licence holders sufficient freedom and flexibility to enable them to satisfy the requirements of their customers. In return Licence holders will be required to operate their undertakings in a socially responsible way, taking the lead role for preventing crime, disorder, disturbance arising from their undertaking and protecting the health, safety and well-being of employees, customers and all others who may be affected by their undertaking.*

***To make Sefton a great place in which to live, work, learn, visit and do business”***

## **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, renewals, 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 and do not have a relevant or foreign criminal conviction.

2.6 A Licence will last for ten years (subject to certain provisions of the Act regarding, for example, surrender and forfeiture of the Licence); it can subsequently be renewed for further periods of ten years.

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).

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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 chief officer of police of a police force in England and Wales;
    - ix) 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.
- 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.
- 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).

Temporary Event Notices

- 2.13 Section 100 of the Act states that the organiser of a Temporary Event must give the Authority and the Police notice of the event.
- 2.14 The Act states that such a Notice may be served (up to) 10 working days prior to a permitted Temporary Event. However in a significant number of cases this would not allow enough time for the organiser to liaise, with Merseyside Fire Authority,
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Merseyside Police and the relevant Council Officers, to ensure that the event passes off safely with the minimum of disturbance to local residents. The Guidance issued under S182 of the Act encourages the publication locally of a preferred notice period, in Sefton the preferred notice period for service of a Temporary Event Notice is 28 days prior to the permitted Temporary Event.

2.15 Further information on Temporary Event Notices 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, community representatives and local people in meeting these objectives.

3.3 It will be a matter for individual applicants to address the Licensing Objectives in their Operating Schedule, within the context of the nature of the location, type of premises, nature and type of entertainment provided, operational procedures and the needs of the local community.

3.4 Applicants will need to provide evidence to the Authority that suitable and sufficient measures, as detailed in their Schedule, will be implemented and maintained relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as where a special event or promotion is planned, which is intended or likely, to attract larger audiences.

#### 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;
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- 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
- 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;
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- 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;
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- Measures to be taken to reduce drunkenness on the premises;
  - 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:
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- 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 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, 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 and the Authority will have regard to this legislation when determining applications.
- 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.
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- 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. Working with the Sefton Cultural Strategy Group, the Authority will seek to monitor the impact of licensing on the provision of regulated entertainment, particularly live music, dance and theatre.
- 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. In this context the Authority commends the use of the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks and the Home Office Guide entitled “Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries”.
- 4.7 Sefton’s Safer and Stronger Communities Partnership has developed interventions including the Best Bar None campaign (promoting responsible management of licensed premises) and separate campaigns promoting responsible drinking for events such as Football World Cup and Christmas, and the Authority commends their use to Licensees.
- 4.8 The Authority also encourages Licensees to give consideration to the National Alcohol Harm Reduction Strategy and the Sefton Alcohol Harm Reduction Strategy, 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
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kept separate. The Planning Committee will be kept regularly apprised of the situation regarding licensed premises within the Borough to enable the Committee to have regard to such matters when taking decisions to avoid any unnecessary overlap.

- 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.
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## 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 objections 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
Application to disapply 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 a police objection to a temporary event notice	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 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; 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 Licensing 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 Licensing 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. All Councillors will be notified of any such applications received.
- 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 'interested 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 'interested party' may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred. As members of the Licensing Authority, and as 'interested parties', Councillors may apply for a review of a licence if problems at a specific premises, which justify intervention, are brought to their attention. Similarly Council Officers who are designated as 'responsible authorities' may request a review of the licence in a similar manner.
- 5.15 The Authority considers that "interested parties" and "responsible authorities" will give licence holders sufficient warning of any concerns they may have with regard
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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 by “interested parties”/”responsible authorities” 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 The Authority recognises that national guidance states that longer licensing hours may encourage a natural and gradual dispersal of customers which can in turn reduce the impact of disorder and disturbance that may arise when large concentrations of customers simultaneously leave premises located in the same vicinity. The Authority also notes that providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 6.3 The Authority will consider in each case the applicability of such guidance, having regard to the evidence. It will also take into account, 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
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- 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.
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- 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 necessary 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.

## **9.0 CUMULATIVE IMPACT**

- 9.1 In determining an application the Licensing Committee will not give consideration to the need, i.e. the commercial demand, for such premises.
- 9.2 However, in the interests of public safety the Authority will consider representations, where supported by evidence, that the cumulative effect of existing licences, new licences, or variations to existing licences, is leading to an over concentration of premises in an area, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 9.3 Where satisfied that the cumulative effect of licensed premises, within an area, gives rise or will give rise to exceptional problems of public disorder and nuisance, in the surrounding vicinity, the Authority may consider it appropriate to adopt a “Special Policy” of refusing new licences, or relevant variations to existing licences, in that area.
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- 9.4 In the event that the Authority becomes satisfied, after considering available evidence, and following consultation in accordance with Section 5(3) of the Act, that it is appropriate and necessary to have a cumulative impact “special policy”, it will indicate that it is adopting such a policy in this Statement. Any “special policy” will be kept under review to ensure that the evidence underpinning it is still current and relevant.
- 9.5 The effect of adopting a policy of this kind is to create a rebuttable presumption that applications for new Premises Licences, Club Premises Certificates or variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Therefore such a policy would still allow for the circumstances of each application to be considered properly and for licences that are unlikely to add significantly to saturation to be approved.
- 9.6 It should be noted that the absence of such a policy does not prevent any responsible authority or interested party making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

## **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.
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