



## **Licensing Act 2003**

### **Statement of Licensing Policy**

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# Charnwood Borough Council

## Statement of Licensing Policy

### 1 Introduction

#### Purpose

- 1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined 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 premises 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.

This Policy is normally in place for five years but will be kept under review during that five year period.

#### Consultation

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

- ) the police
- ) the fire authority
- ) persons representing holders of existing licences for the sale of alcohol, public entertainment, theatres, cinemas and late night refreshment
- ) persons representing holders of clubs registered under the Licensing Act 1964
- ) bodies representing businesses and residents in its area
- ) other groups that the Licensing Authority considered appropriate

## Licensable Activities

### 1.3 The licensable activities are:

- ) the sale of alcohol by retail
- ) the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- ) the provision of late night refreshment
- ) the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- ) a performance of a play
- ) an exhibition of a film
- ) an indoor sporting event
- ) a boxing or wrestling entertainment (indoors and outdoors)
- ) a performance of live music (not incidental music, i.e. a piano in a restaurant)
- ) any playing of recorded music
- ) a performance of dance
- ) and similar types of musical or dance related entertainment.

### 1.4 Amendments made to the 2003 Act by 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, means that a licence is not required for the following activities to the extent that take place between **08:00- 23:00** on any day:

- ) 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, this includes Greco Roman or free style wrestling
- ) 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 to discuss whether a licence will be required.

Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

## **2 Fundamental Principles**

### **Background**

- 2.1 This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

### **2.2 Immigration Act 2016**

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amends the 2003 Act and introduces immigration safeguards in respect of licensing applications made in England or Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in

licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

The Home Secretary (in practice Home Office (Immigration Enforcement)) is added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

### **2.3 Entitlement to Work**

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 the 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 provide copies of Identification documents to verify their entitlement to right to work within the UK. The documents, which may be relied on in support of an application demonstrating an entitlement to work in the UK, are the same for the personal licence (see section 14) shown in Appendix 3.

### **2.4 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.

### **2.5 Balance**

The licensing authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses

for an acceptable environment and quality of life.

- 2.6 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

### **Relevancy**

- 2.7 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 2.8 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

## **3 Cumulative Impact**

- 3.1 The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. “Need” is a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.
- 3.2 In certain situations the number, type and density of premises selling alcohol or providing late night refreshment may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual premises the licensing authority may consider that an area has become saturated with licensed premises.
- 3.3 The Licensing Authority has received a representation from the Leicestershire Police that the circumstances described above exist in relation to parts of Loughborough’s Town Centre, and that the grant of



further premises licences or club premises certificates would undermine the crime prevention objective.

- 3.4 In response to this representation the Licensing Authority has:
- ) Considered evidence about the extent of the problem of crime and disorder;
  - ) Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre;
  - ) Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre;
  - ) Considered the outcome of that consultation; and
  - ) Resolved to declare the special policy described in Section 4 below.
- 3.5 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the 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;
  - ) a Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and gives the police a power to confiscate alcohol from adults and children in designated areas;
  - ) A closure notice of up to 48 hours, can be issued by the Council or Police without going to Court, where there is nuisance to the public or disorder near to the premises;
  - ) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

## 4 Special Policy on Cumulative Impact

- 4.1 The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre:
- ) bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
  - ) Including both sides of the streets bounding the area;
  - ) Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.
- 4.2 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its merit. Licences that are unlikely to add to the problems of saturation would be approved.
- 4.3 The Special Policy does not however change the fundamental way that licensing decisions are made. It is therefore open to the Licensing Authority to grant an application where it is considered appropriate and where the applicant has demonstrated in their operating schedule that they would not be adding to the cumulative impact.
- 4.4 Applications in areas covered by the Special policy should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 4.5 The Special Policy does not relieve responsible authorities (or any other person) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 4.6 Once a Cumulative Impact Assessment is carried out and a 'Special Policy on Cumulative Impact' published, the licensing authority within three years considers whether it remains of the same opinion. In order to decide whether it remains of the same opinion, or if it considers that it needs to be amended the licensing authority must undertake appropriate consultation before any amendment is made.
- 4.7 The special policy will not be used to:
- ) remove a licence when representations are received about problems with an existing licensed premises; or to

- ) justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
- ) adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## **5 Licensing Hours**

- 5.1 In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 5.2 It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 5.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 5.4 In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation
- 5.5 Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

## **6 Promotion of the Licensing Objectives**

- 6.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:
- ) Granting or refusing applications for licences;
  - ) Reviewing licences;
  - ) Imposing conditions;
  - ) Deciding how to integrate with other strategies of the council.

Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough

risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

- 6.2 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:
- ) Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
  - ) Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Council's Environmental Health Officers with responsibility for Health & Safety
  - ) Public Nuisance – the Borough Council's Environmental Health Officers with responsibility for Pollution Control
  - ) Protection of Children from Harm – Leicester Area Child Protection Committee, Leicestershire Police and Leicestershire Trading Standards, Leicestershire Public Health.
- 6.3 Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will take into account the information set out below, on steps to promote the licensing objectives, when undertaking the functions identified in Paragraph 6.1 above.

## **7 The Prevention of Crime and Disorder**

### **7.1 CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in town centre pubs and clubs and town centre late night refreshment premises.

### **7.2 Open Containers of Alcohol**

A significant part of the town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it

appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

### **7.3 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. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

### **7.4 Dance Venues**

The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the “*Safer Clubbing Guide*” published by the Government [http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)

### **7.5 Other Steps to Promote the Prevention of Crime and Disorder**

There is a wide range of other steps which may be appropriate in particular circumstances including:

- ) Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
- ) Requiring drinking vessels to be plastic or toughened glass
- ) Requiring the provision of retail radio's to connect premises supervisors in town centres to the police
- ) Appropriate measures to prevent overcrowding in parts of the premises
- ) The provision of staff to control admission and to control customers inside the premises.
- ) The adoption of an age determination policy such as Challenge 21 to prevent underage sales

## **8 Public Safety**

### **Premises Licensed for Regulated Entertainment**

#### **8.1 Premises licensed for regulated entertainment, including cinemas and**

theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.

- 8.2 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This will include:
- ) Setting of a capacity limit for all, or separate parts, of the premises.
  - ) The provision of staff to control admission and to control customers inside premises and at outdoor events.

## **9 The Prevention of Public Nuisance**

- 9.1 The Licensing Authority considers that applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises should carry out a risk assessment. Advice and assistance in undertaking this task should be sought from Council Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:
- ) Limitation on hours of operation where necessary to prevent nuisance and disturbance
  - ) Measures to reduce noise and vibration emissions from premises
  - ) Measures to prevent noxious smells
  - ) Measures to reduce light pollution
  - ) Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
  - ) Stricter controls will be supported in areas in closer proximity to residential accommodation.

## **10 The Protection of Children from Harm**

### **General**

- 10.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Area Child Protection Committee on each application.
- 10.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that

apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

- 10.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:
- ) Where entertainment or services of an adult or sexual nature are commonly provided;
  - ) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
  - ) Where there has been an association with drug taking or dealing.
  - ) Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).
- 10.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.
- 10.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:
- ) Limitations on the hours where children may be present;
  - ) Age limitations (below 18);
  - ) Limitations or exclusions when certain activities are taking place;
  - ) Limitations on the parts of premises to which children might be given access;
  - ) Requirements for an accompanying adult;
  - ) In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

### **Children and Cinemas**

- 10.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

### **Children and Public Entertainment**

- 10.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The licensee should take into account the number of children

to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

### **Proof of Age Cards**

- 10.8 The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.
- 10.9 The Licensing Authority supports the '**Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.**' It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

## **11 Integrating strategies**

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

### **Crime Reduction Partnership**

- 11.2 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Charnwood a safe and attractive borough in which to live, work, study and socialise.
- 11.3 In making decisions, the Licensing Authority will consider the Charnwood Community Safety Partnership Strategy, especially relating to;
- ) Reducing the opportunities for crime to occur
  - ) Tackling disorder and anti-social behaviour
  - ) Reducing the fear of crime
  - ) Combating the use of drugs

### **Planning**

- 11.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Licensing applications will not be a rerun of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal, or decisions made under delegated authority to officers.



- 11.5 There are 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.

### **Cultural Strategy**

- 11.6 'Leisure and cultural opportunities for all' is Charnwood's Cultural Strategy setting out the common vision and shared goals for all those involved in the cultural life of the borough. Charnwood Borough Council is committed to its implementation working with the Cultural Strategy Partnership.
- 11.7 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 11.8 The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of Leicester's Cultural Strategy is "to invest in the development of cultural activity which contributes to the economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity". Borough Council performance targets to increase cultural participation have underpinned this.
- 11.9 The Borough Council will also seek premises licences for selected public spaces in the community in its own name. This could include, for example, green spaces, parks, and town centre square's etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.
- 11.10 This licensing policy will operate in the spirit of the Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

11.11 In order to maintain this balance the Licensing Authority will:

- ) monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- ) create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- ) seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc. by imposing unnecessary restrictions
- ) seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- ) seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

### **Building Control**

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

11.13 Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

11.14 Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Work Place Regulations and enforcement of risk assessments.

### **Promotion of Equality**

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

11.16 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, as well as from a race equality perspective. It has considered and consulted with this in mind.

11.17 The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- ) The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- ) The licensing objective of protecting children from harm will be promoted.
- ) Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- ) Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- ) Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- ) Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

11.18 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

### **Disabled Access**

11.19 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

### **Transport**

11.20 Transport Strategy is set out in the Local Transport Plan (LTP).

11.21 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in

conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.

11.22 A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.

11.23 Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

## **12 Duplication**

12.1 The authority will avoid duplication with other regulatory regimes (e.g. the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.

12.2 Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

## **13 Standardised Conditions**

13.1 The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.

13.2 However, to aid administration attached to this statement, but not forming part of it, at Appendix 1, are pools of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

13.3 A number of conditions are mandatory and are required to be applied to licences.

## **Mandatory Conditions.**

Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

The Mandatory Conditions are attached to this Policy at Appendix 2. These need to be adhered to and complied with by the Premises Licence Holder.

For premises with ON sales the Mandatory Conditions will include the following requirements;

- ) The need for a Designated Premises Supervisor to be registered on the Licence.
- ) Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-

Permitted price of alcohol

Age verification Policy

Irresponsible promotions

No drinking games (encouraging people to drink too much or within specific time limits).

Free potable water

Measures of alcoholic drink

Exhibition of films

Door Supervision

For premises with OFF sales the Mandatory Conditions will include the following requirements;

- ) The need for a Designated Premises Supervisor to be registered on the Licence.
- ) Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-

Permitted price of alcohol

Age verification Policy

## 14 Personal Licences

- 14.1 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.
- 14.2 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 14.3 In order to carry out this duty, from April 6 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity.
- 14.4 In order to discharge this duty, from 6<sup>th</sup> April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and require applicants to submit copies of one of the documents listed in Appendix 3.
- 14.5 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 that would indicate their unsuitability.

The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.

- 14.6 Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and

authority.

- 14.7 When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.
- 14.8 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.

## **15 Temporary Event Notices (TENs)**

- 15.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that any of the four licensing objectives would be undermined.
- 15.2 "Late" TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. Late TENs can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than five 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.
- 15.3 The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.

- 15.4 The Licensing Authority would therefore suggest as best practice that a

temporary event notice is served between one and two months ahead of the event taking place.

## **16 Enforcement**

- 16.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.
- 16.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 16.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.
- 16.4 Enforcement activities will include operations designed to:
- ) Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
  - ) Protect public safety;
  - ) Prevent nuisance;
  - ) Prevent crime and disorder;
  - ) Protect children from harm;
  - ) Identify unlicensed activities;
  - ) Respond to complaints and representations from relevant individuals and responsible authorities;
  - ) Prevent the sale of alcohol to minors
  - ) Prevent the sale of alcohol to people who are drunk
  - ) Identify the keeping of smuggled goods
  - ) Prevent drug misuse

## **17 Live Music, Dancing, Theatre, Circuses and Street Arts**

- 17.1 The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 17.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.



## 18 Wholesale of alcohol

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## 19 Delegation of Functions

- 19.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:
- ) Application for a personal licence where there are relevant unspent convictions;
  - ) The review of a premises licence or club premises certificate;
  - ) Decision to object when the local authority is the consultee and not the relevant authority considering the application;
  - ) Determination of a police objection to a temporary event notice.
- 19.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:
- ) Application for a personal licence;
  - ) Application for a premises licence or club premises certificate;
  - ) Application for a provisional statement;
  - ) Application for variation to a premises licence or club premises certificate;
  - ) Application to vary a designated premises supervisor
  - ) Application for transfer of a premises licence
  - ) Application for interim authority
  - ) Determination of a temporary event notice.
- 19.3 The Licensing Manager will determine all other matters.

- 19.4 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. There is clear guidance as to what constitutes a "minor variation" contained on Charnwood Borough Councils website.
- 19.5 Councillors are now considered as "interested parties" and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

## **20 Period of Validity & Review**

- 20.1 This statement of licensing policy will come into force on June 2017 and be valid for five years.
- 20.2 The policy will be kept under review during the period of validity and if necessary amendments made.
- 20.3 Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.