

# Oadby & Wigston

## Reviewed Statement of Licensing Policy

Following consultation



# *Borough of Oadby & Wigston*

## 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 Licensing Act 2003, during the next three 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.

#### 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 provision of regulated entertainment
- the provision of late night refreshment

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- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- the sale by retail of alcohol by or on behalf of a club to, or to the order of a member of the club
- the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

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.

### **Gambling Act 2005 and other Licensable Activities**

***1.4 Licensable activities carried on under other legislation regimes (for example, the Gambling Act 2005) at premises that are licenced under the Licensing Act 2003 shall be administered in accordance with the requirements of the statutes governing those other licensing regimes.***

## **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.

### **The Licensing Objectives**

2.2 The Licensing Authority will carry out its functions with a view to promoting the four 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.

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#### Balance

- 2.3 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.
- 2.4 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

#### Relevancy

- 2.5 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. ***The ‘vicinity’ will be a question of fact to be determined by the Licensing Authority in each individual case. The Authority will primarily focus on the direct impact of the activities taking place on members of the public living, working or engaged in normal activity in the area concerned.***
- 2.6 Licensing law is not the primary mechanism for the general control of nuisance and 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. and is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy, but is a matter ***planning committees and*** for the ***commercial*** 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 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. ***The Licensing Authority may consider that a special policy is needed to deal with this cumulative impact***

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3.3 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;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- 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;
- other local initiatives that similarly address these problems.

## 4 Special Policy on Cumulative Impact

**4.1 *The Licensing Authority has received a representation from the Leicestershire Constabulary that the circumstances described above at paragraph 3.2 continue to exist in relation to Off-Licence premises in South Wigston and Wigston and that the grant of further premises licences would undermine the crime prevention objective***

4.2 In response to the 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 Borough;
- Consulted on the proposal for a special policy in relation to new licences and variations to existing ones in the Borough;
- Considered the outcome of that consultation; and
- Resolved to declare the special policy as described below

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- 4.3 The Licensing Authority will **continue** to adopt a special policy on cumulative impact in relation to Off-Licence premises in the area of Wigston and South Wigston.
- 4.4 The area of the special policy is marked on the attached map
- 4.5 ***The saturation policy will only come into effect where relevant representations are received in relation to a specific application. If there are no representations the Licensing Authority must grant a premises licence in accordance with the application***
- 4.6 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its own individual merit. Licences that are unlikely to add significantly to the problems of saturation would be approved.
- 4.7 The effect of the special policy will be to create a rebuttable presumption that those applications for new Off-Licence premises licences or material variations to licences will normally be refused. When consideration is given to whether to refuse an application because of the special policy, ***it will be for an applicant to lay the necessary evidence*** that the granting of the licence would not produce the cumulative impact as described above.
- 4.8 The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 4.9 The authority will review the special policy every 3 years and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.
- 4.10 The special saturation 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 premises, 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 recognized by the Government that longer licensing hours are important to help to

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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. ***This will be balanced, however, against the duty to promote the licensing objectives and the rights of local residents to peace and quiet.***

- 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 ***relating to the four licensing objectives.***
- 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. However, 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.
- 6.2 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 ***strongly recommends*** that the process of developing the operating schedule includes a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.
- 6.3 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:
- The Prevention of Crime and Disorder – Leicestershire Police
  - Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Borough's Environmental Health Officers with responsibility for Health & Safety
  - The Prevention of Public Nuisance – the Borough's Environmental Health Officers with responsibility for Pollution Control

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- The Protection of Children from Harm – [Leicestershire Police on behalf of Leicester, Leicestershire and Rutland Local Safeguarding Children Board](#),

A guide on how to write an operating schedule to meet the requirements of the responsible authorities is available from the Licensing Authority.

- 6.4 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. 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. ***The Licensing Authority can only impose conditions that have been offered in the operating schedule of an application, or following a hearing in which the Authority has agreed with a representation. If the licensing application complies with all other legal requirements, and there are no relevant representations, then the Licensing Authority must grant the application.***

## 7 The Prevention of Crime and Disorder

### Closed Circuit Television (CCTV)

- 7.1 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. The CCTV should be installed and maintained on the advice of the Leicestershire Police Crime Prevention Officer.

### Open Containers of Alcohol

- 7.2 Parts of the Borough are the subject of a street drinking ban. 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.

### Irresponsible Drinks Promotions

- 7.3 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.
- 7.4 Determining whether a drinks promotion is irresponsible or not will require a subjective judgment. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at a premise may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

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#### Dance Venues

- 7.5 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 and available for download from [www.drugs.gov.uk](http://www.drugs.gov.uk).
- 7.6 The local authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provide dance facilities. Other pubs and clubs, depending on circumstances, may also benefit from these steps:
- preventing drugs misuse
  - Searching of customers before entry in accordance with the Leicestershire Constabulary Code of Practice on *Searching and Licensed Premises*. This will be aimed at preventing drugs and offensive weapons being brought into premises.
  - Making drinking water freely available at drinking fountains, or in freely available plastic containers, to help prevent dehydration and overheating.

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

- 7.7 There is a wide range of other steps which may be appropriate ***depending on the individual circumstances***. In some circumstances these may include:
- 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 text pagers or radio communicators to connect the operatives of licensed premises that are within our Borough to the local 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.

Licensees are ***encouraged*** to participate in the Oadby and Wigston Pub Watch scheme.

- 7.8 Serious cases of crime and disorder emanating from a licenced premises can be dealt with by the Police under new additional measures provided by the Licensing Act 2003.

#### Violent Crime Reduction Act 2006

- 7.9 The Licensing Authority also recognises that this Act allows for the designation of areas as Alcohol Disorder Zones which empowers the Council to charge licensees for additional enforcement activity if their premises are within a Zone. However, the Licensing Authority would prefer, where possible, to work with licensees to achieve improvements to alcohol related issues without the need to impose such Zones.

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## 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 the **Regulatory Reform (Fire Safety) Order 2005**, 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 **may** include:
- Setting of a capacity limit for all, or separate parts, of the premises.
  - The provision of staff to control admission and to control customers inside premises and at outdoor events.

## 9 The Prevention of Public Nuisance

- 9.1 The Licensing Authority **recommends** that before a premises licence or club premises certificates application is made, the applicant **identifies the environmental impact of the application on the neighbourhood, assess the significance of these impacts and then identify controls to minimise their impact**. Advice and assistance in undertaking this task should be sought from the Borough's Environmental Health Officers.

Steps which may be appropriate to prevent public nuisance **depending on the individual circumstances** 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 **unpleasant** smells. **e.g cooking smells**
- Measures to reduce light pollution
- **Steps to prevent noise, disturbance and anti-social behaviour arising from the external use of the premises such as people arriving at, or leaving the premises, or using smoking shelters, beer gardens**
- Stricter controls will be supported in areas which are closer in proximity to residential accommodation.

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## 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 **any** representations made **by the Police on behalf** of the Leicester, Leicestershire and Rutland Local Safeguarding Children Board on each application.

10.2 Licences will be sought for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children 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 **at the premises** 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.
- **Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.**

10.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the 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 18 from the premises when any licensable activities are taking place.

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#### 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 licensed premises for the sale of alcohol adopt and sign up to the "Challenge 21" scheme that is administered by the Police and Trading Standards.*** The most reliable proof of age includes a passport, a 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.

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

10.9 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It 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.

11.2 All applications will be considered entirely independently of any other issues or applications which may be pending in any other areas of the Councils functions. The Licensing Authority will however have regard to any valid representations that may be made by any Responsible Authority or Interested Party.

#### Crime and Disorder Reduction Partnership

11.3 The Licensing Authority recognises its responsibility to address issues relating to

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crime and disorder and is committed to working together, with other partners, to make the Borough a safe and attractive city in which to live, work, study and socialise.

11.4 The Borough conducts a Crime and Disorder Reduction Partnership and will maintain existing partnerships to effectively tackle the issue of reducing crime and disorder and create new partnerships, where necessary, to add to our success.

### Planning

11.5 When considering licensing applications the Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. ***Applicants must bear in mind the need for both planning permission and an appropriate licence and are encouraged to seek the status of any existing planning permission (for example, any existing planning restrictions on the type of use, or times of use of the premises) and where planning permission is necessary to seek planning permission first***

11.5

11.6 Licensing applications will not be a rerun of any planning application, and licensing decisions will not cut across planning or development decisions taken by the Development Control Committee or permissions granted on appeal.

***11.7 The Licensing Committee is not bound by decisions of the Development Control Committee, and vice versa.***

### Cultural Strategy

11.8 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.

11.9 This licensing policy will operate in the spirit of the Cultural Vision and the 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.

11.10 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

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- 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

### **Use of Council Premises. (parks and public buildings).**

11.11 The Licensing Act provides for Local Authorities, if they wish, to licence public places within the local community. Such licensing of these places may help the Council to promote cultural diversity. Oadby and Wigston Council may seek to licence public places such as some parks and some public buildings for local community use. Where this licensing of public premises is carried out, the performance of certain types of entertainment may not require the user of the premises to seek a licence to do so. All that may be required is the permission of the Local Authority.

### **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 and is a completion certificate which relates to the structure of the building and not the management of it. 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 and Rescue Service, which triggers their responsibilities under the Regulatory Reform (Fire Safety) Order Act 2005 and enforcement of risk assessments.***

### **Promotion of Equality and Diversity**

11.15 In developing this strategy, the Licensing Authority has recognised its responsibility under the Race Relations Act 1976 to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. This Licensing Policy therefore supports and is supported by the Licensing Authority's Multi-Cultural Aims.

The Licensing Authority also takes this opportunity to remind operators of premises of their duties under the Disability Discrimination Act 1995. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled

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person to access a service, or to provide the service by a reasonable alternative means. This Licensing Policy therefore supports and is supported by the Licensing Authority's Access Group.

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 where possible, in other formats ***upon request where arrangements can be made and met on an individual basis***
- The Licensing Authority will endeavour to provide foreign language leaflets ***upon request where arrangements can be made and met on an individual basis***
- 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.

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. If and when this proximity has an impact on the promotion of one of the licensing objectives this may be 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.

## 12 Duplication

12.1 The authority will avoid duplication with other regulatory regimes (eg 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.

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## 13 Standardised Conditions

- 13.1 Conditions may only be attached to premises licences and club premises certificates
- ***In order to implement the relevant operating schedule,***
  - ***following a hearing where a relevant representation has been upheld, or***
  - ***following a review hearing where the grounds for review have been upheld.***
- 13.2 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.
- 13.3 A number of conditions are mandatory and are required to be applied to licences. These relate to the requirement for a designated premises supervisor where alcohol is to be sold, the need for every sale of alcohol to be authorised by a personal licence holder, preventing under age admission to age restricted films and the requirement that door supervisors are registered with the Security Industry Authority. These are set out in Sections 19, 20 and 21 of the Act.
- 13.4 The Licensing Authority may refer to, and or draw from, a pool of appropriate and proportionate conditions. This pool of conditions may be used as an aid to take account of particular circumstances and issues that may arise from a Licensing Hearing, or they may be drawn upon to underpin a statement of operational policy offered by an applicant in their operating schedule. This pool of conditions is not intended to be an exhaustive list and other specific conditions may be appropriate. The pool of conditions can be found under Annex D of the ***Secretary of State's Revised Guidance issued by the under section 182 of the Licensing Act 2003***, in June 2007. The Guidance may be found on the Governments Department for Media Culture and Sport web site at: [www.culture.gov.uk](http://www.culture.gov.uk)

## 14 Personal Licences

- 14.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason all persons who make an application for the grant of a personal licence are required by the Act to have a prescribed **licensing qualification** and not have relevant convictions that would indicate their unsuitability

***In every premises licensed for the supply of alcohol, a personal licence holder must be specified as the “Designated Premises Supervisor” (DPS). This is a mandatory condition of the premises licence. The DPS will normally be the person who has been given the day to day responsibility for running the premises so that Police Officers, Fire Officers or Officers of the Licensing Authority can immediately identify them should it be necessary. Whilst it is not a legal requirement for written authorisation or for the daily authorisation of the***

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*sale of alcohol* due to the importance of their role, this 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.

14.2 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

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.

15.2 When a Temporary Event Notice (TEN) is given to the Licensing Authority and the Police, there must be at least 10 clear working days between the day the TEN is given and the day, or the first day of the event. The chief officer of police may object to the event if he is satisfied that the crime prevention objective would be undermined.

15.3 The Licensing Authority considers that it is important that the police have sufficient time to properly evaluate the likely impact of a temporary event. If insufficient notice of the event is given to the Authorities, 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 ***and other enforcement agencies as appropriate.***

16.3 ***The Licensing Authority will endeavour to abide by the Hampton principles.*** In particular, 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.

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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

### Other Controls and Initiatives

17.12 The Authority recognises that other controls and initiatives are available in promoting the Licensing objectives and will support these wherever possible. Such controls and initiative include;

- Police enforcement of legislation concerning disorder and anti-social behaviour ***e.g Anti Social Behaviour Act 2003.***
- ***A healthy, clean environment and smoke free premises e.g Health Act 2006***
- Powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly.
- Oadby and Wigston Pub Watch scheme
- Alcohol Harm Reduction Strategy.
- Prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk.
- Test-purchasing to check on sale of alcohol to under 18's.
- Litter legislation.
- Confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place.
- Positive measures to create safe and clean town centre environment in partnership with transport operators, local businesses, the licensed trade etc.
- Anti drink driving campaigns
- Campaigns against domestic violence.

## 18 Live Music, Dancing, Theatre, Circuses and Street Arts

18.1 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

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so as to promote the licensing objective of preventing public nuisance.

18.2 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.

## 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 or the Police have made an objection to an application.
- 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 personal licence holder.
- Application for transfer of a premises licence.
- Application for interim authority.

19.3 The relevant Corporate Director will determine all other matters.

## 20 Period of Validity & Review

20.1 This statement of licensing policy will come into force on **7 February 2008** and be valid for three 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.

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#### NOTES

If there is any inconsistency or ambiguity in this Licensing Policy Statement in relation to the Act or the Licensing Guidance then the reader is referred to the relevant section of the Act (for example “cumulative impact”) then the reader is referred to the Licensing Guidance issued under Section 182 of the Act for clarification.

Other related information and relevant legislation about Alcohol and Entertainment can be found on the Governments web site at: <http://www.culture.gov.uk>

Click on the link ‘The Licensing Act...everything you need to know’ at: [http://www.culture.gov.uk/what\\_we\\_do/Alcohol\\_entertainment/](http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/) under the ‘Tourism and Leisure’ header of the [www.culture.gov.uk](http://www.culture.gov.uk) home page.

- Try the following links for more information and guidance about:

The Licensing Act 2003 at: <http://www.opsi.gov.uk/acts/acts2003/20030017.htm>

The Revised Guidance issued by the Secretary of State for the Department for Culture, Media and Sport (DCMS) under Section 182 of the Licensing Act 2003, at: <http://www.culture.gov.uk/NR/rdonlyres/597B72E2-61BC-44AD-98D2-6BC7208FD740/0/RevisedGuidanceJune2007.pdf>.

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