

Statement of Licensing Policy

Issued under section 5 (1)
of the Licensing Act 2003

26 January 2011

Version 3

Appendix D

Foreword

Greenwich Council is a great place to live, work, learn and spend your leisure time. Pubs, clubs, restaurants and other businesses selling food and alcohol have an important part to play in the social and cultural life of our borough. Greenwich Council wants to support local businesses to operate in a responsible way.

At the same time, the Council has a duty to make sure that those businesses do not harm the right of residents and others to peaceful enjoyment of their neighbourhood.

Licensing policy in Greenwich

The Licensing Act 2003 lays down the duty of local councils to ensure that the sale of alcohol and the provision of entertainment do not lead to increased crime and disorder, or put young people at risk. Greenwich Council's licensing policy was introduced by the Council in 2005, to reflect the requirements of the Act.

During 2007 the Council, as required by law, reviewed its licensing policy and it has learnt lessons from the first three years of operating the new licensing laws. We've also updated our policy to reflect the views of local residents, the police and other interested parties.

Under the Licensing Act, the Council has a duty to publish the policy it will adopt when it considers licensing applications from businesses that:

- sell or supply alcohol
- provide entertainment or entertainment facilities such as a dance floor
- sell hot food or drink between 11pm and 5am.

This revised Licensing Policy Statement sets out the way in which Greenwich Council will consider applications for such licences.

Greenwich – some background to the borough

Greenwich lies to the south east of Central London and the River Thames runs along its northern edge. It is at the heart of the Thames Gateway regeneration area and is bordered to the west by Lewisham, to the south by Bromley, and the east by Bexley. With a land area of 5087 hectares, Greenwich is the 12th largest borough in London. The population in 2009 of 232,311 is projected to grow to 261,500 by 2016.

Greenwich is a culturally and ethnically diverse borough with 23% of the population (2001) from a minority ethnic group.

Woolwich is the borough's largest shopping and office employment centre, and Eltham is the second-largest. Both are designated within the London Plan as being 'major centres'.

Appendix D

Maritime Greenwich, which includes Greenwich town centre and Greenwich Park, is a World Heritage Site and a major visitor destination.

There are a variety of entertainment, leisure and cultural venues around the borough including The O2, Greenwich Odeon at Greenwich Peninsula, and Charlton Athletic Football Club.

Greenwich is also at the heart of the 2012 London Olympic and Paralympic Games and will provide the most iconic venues. As a host borough, almost a third of the events will be held in Greenwich, attracting hundreds of thousands of visitors, an international audience and unlimited business opportunities. Greenwich Park will host the equestrian events and part of the Modern Pentathlon, the shooting events and Paralympic archery will be held at the Royal Artillery Barracks, Woolwich, with the gymnastics and basketball at The O₂ on Greenwich Peninsula.

Licensed premises in the borough

Approximately 700 premises in the borough have licences covering one or more of the following:

- Sale and supply of alcohol;
- Provision of entertainment or entertainment facilities;
- Sale of hot food or drink between 11pm and 5am.

These premises include:

- 350 pubs and other venues licensed to sell alcohol, most of which are also able to provide some form of regulated entertainment;
- 45 registered clubs, many of which also provide public entertainment;
- 245 off-licences;
- 60 late night refreshment premises;
- 13 premises licences for regulated entertainment.

Monitoring the impact of alcohol sales

Greenwich Council and the Police want to help responsible businesses and their customers to enjoy alcohol safely. However, we remain determined to clamp down hard on those who abuse the law or create nuisance or disorder in the community.

We will continue to work closely with the police to monitor the effects of alcohol consumption on crime and anti-social behaviour.

We welcome opinions and feedback from residents and others affected by the Licensing Policy Statement. Contact details are at the end of this document.

www.greenwich.gov.uk/licensing

Appendix D

Greenwich Council

**In its capacity as Licensing Authority for the Borough of Greenwich under
the terms of The Licensing Act 2003**

STATEMENT OF LICENSING POLICY

Contents:

1	Introduction	2
2	Licensing Objectives.....	2
3	Review of Licensing Policy	3
4	Process & Consultation on Licence Applications.....	3
5	Representations	4
6	Licence applications.....	5
7	Operating Schedules	6
8	Licence Conditions.....	7
9	Saturation Policy	8
10	Licensing Hours.....	10
11	Children and Licensed Premises.....	11
12	Entertainment Involving Striptease or Nudity.....	13
13	Licence Reviews	15
14	Temporary Event Notices	16
15	Smoking and the Use of External Areas	17
16	Alterations to Licensed Premises.....	17
17	Enforcement.....	17
18	Integrating Strategies.....	18
19	Promotion of Racial Equality	19
20	The Licensing Process.....	19

Appendix D

I Introduction

- 1.1 This Licensing Policy Statement is based upon the Licensing Act 2003 ('the Act'); and regulations made by the Secretary of State under the Act and has regard to current Department of Culture, Media and Sport (DCMS) Guidance to local authorities.
- 1.2 The policy relates to all those activities identified as requiring a licence under the provisions of the Act, namely: -
- Retail sale of alcohol
 - Supply of alcohol to club members
 - Provision of 'regulated entertainment' – to the public, to club members or with a view to profit
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
 - The supply of hot food and/or drink from any premises between 2300 hours and 0500 hours
- 1.3 This policy statement will remain valid for a period of up to 3 years from the date of issue but may be subject to review, following appropriate consultation, at any time.
- 1.4 There are a number of terms that can be used to describe the elements of this licensing policy that deal with the cumulative impact of licensed premises. The commonly used terms include 'special policy', 'cumulative impact policy', 'saturation policy area or zone' or 'stress area'. For the purposes of simplicity and consistency this policy will use the terms saturation policy and saturation policy area.

2 Licensing Objectives

- 2.1 Greenwich Council has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives are:
- the prevention of crime and disorder
 - public safety

Appendix D

- the prevention of public nuisance
- the protection of children from harm

2.2 Each objective has equal importance

2.3 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not be seen as a means for solving all problems within the community. Greenwich Council will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the objectives.

3 Review of Licensing Policy

3.1 On review of the policy statement, Greenwich Council will consult with:

- the chief officer of police
- the fire authority
- Bodies representing local holders of premises licences
- bodies representing local holders of club premises certificates
- bodies representing local holders of personal licences
- bodies representing businesses and residents in the Borough.
- the area child protection committee
- neighbouring local authorities

3.2 Greenwich Council will also consult with local residents, licensees within the proposed saturation policy areas, Councillors, MPs, GLA and other bodies on matters relating to its statement of licensing policy, as it considers appropriate.

3.3 The views of all consultees will be given proper weight when the policy is reviewed.

4 Process & Consultation on Licence Applications

4.1 An application for a premises licence may be made in writing or electronically using the licensing form available on the Electronic Application Facility (EAF) which is part of businesslink, or Greenwich Councils own electronic facility.

4.2 In the case of written applications the onus is on the applicant to apply as prescribed by the regulations under the Act and copy the application to the appropriate “responsible authorities” as defined by the Licensing Act. In the case of applications that are submitted entirely in an electronic form, Greenwich Council is responsible for copying the application to the “responsible authorities”.

Appendix D

- 4.3 Apart from the statutory consultation that is required of those applying for Premises Licences and Club Premises Certificates by way of advertising their application in the paper and the statutory notice on the premises, the Licensing Authority may also carry out additional consultation. Greenwich Council will continue to carry out a letter drop, notifying those residing and trading in the vicinity of the applicant premises, of applications for grant or variation of premises licences and club premises certificates.

5 Representations

- 5.1 It is open to any “responsible authority” or “interested party” as defined under the Act, which now also includes Councillors, to lodge representations during the set consultation period. A representation should relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not “relevant” for the purposes of the 2003 Act.
- 5.2 It is Greenwich Council policy to determine on its merits whether any representations by an interested party are frivolous or vexatious.
- 5.3 Representations must be received in writing at the Licensing Section’s Office. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person or body making the representation. However, if people making representations are concerned that there may be reprisals from the applicant premises, as a result of making a representation, they may request that their name and house number is removed from the copy of the representation before a copy is given to the applicant or attached to any public agenda.
- 5.4 Representations by e-mail will be accepted as valid as long as they carry the name and address of the person making the representation.
- 5.5 In recognition that many interested parties may feel disadvantaged in the representations process; Greenwich Council wishes to make the process of authorising local Ward Councillors, and Members of Parliament and other representatives to speak on behalf of interested parties as easy as possible. For these purpose pro-forma authorisation forms may be downloaded from the licensing pages on the Greenwich website www.greenwich.gov.uk or obtained from the Licensing Section. If using the authorisation process applicants should firstly obtain the consent of the person you intend to represent your views and then provide a completed and signed authorisation form to the Licensing Section before the last date for submission of representations. Alternatively, applicants may include your authorisation in your letter of representation.
- 5.6 Ward Councillors and Members of Parliament may make representations in writing and at a hearing on behalf of an interested party if specifically requested to do so.

Appendix D

- 5.7 The 'cumulative impact' on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 5.8 Crime, disorder and public nuisance can take place in relation to a licensed premises despite the best efforts of the licensee and outside the licensee's sphere of influence. The duty to promote the licensing objectives requires Greenwich Council to take account of representations that raise such activity in relation to a particular area when making decisions on applications.

6 Licence applications

- 6.1 Every application considered by Greenwich Council under the terms of this policy will be considered on its own merits and due regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act 2003 and any supporting regulations.
- 6.2 This policy does not override the right of any person to make relevant representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. A representation will usually only be relevant where it relates to one or more of the licensing objectives specifically:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.3 Greenwich Council recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing process to avoid duplication and inefficiency.
- 6.4 In order to avoid any duplication or inefficiency between the licensing and planning processes Greenwich Council will expect that prior to the submission of a licensing application the appropriate planning permission will have been granted in respect of the premises concerned. This condition will not apply to an application for a provisional statement under section 29 of the Licensing Act 2003.

Appendix D

- 6.5 Organisers of individual events requiring a Premises Licence need to be aware of the time limits imposed by the Licensing Act 2003. Greenwich Council must receive complete applications a minimum of two calendar months before the proposed event date to allow sufficient time for the consultation and decision making process. In relation to major festivals and carnivals etc., applicants should establish a co-ordinating committee to ensure a strategic approach to the development of operating schedules. The purpose would be to ensure that conditions are not included in licences which conflict with each other, make compliance uncertain or would be difficult to enforce
- 6.6 Applicants should include in the 'non-standard' timings section of the operating schedule appropriate opening hours for events that occur regularly each year such as Saints' days, and apply for temporary event notices for other events such as international sporting events.
- 6.7 The Council is fully committed to a safe and successful Olympic and paralympic games in London in 2012. The Council recognises that the police and emergency services will give exceptional priority to the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is the Council's policy that such applications will not be granted.
- 6.8 Greenwich Council issues local guidance for applicants for all forms of licences to assist them in the application process.

7 Operating Schedules

- 7.1 Applicants are required by the Act to submit an operating schedule as part of the application process. Greenwich Council will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be Carried out, the operational procedures, the nature of the location and the needs of the local community.
- 7.2 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies, and to have taken these into account, where appropriate, when formulating their Operating Schedule.

Appendix D

- 7.3 Greenwich Council recommends that music event organisers, management of licensed premises and event promoters undertake a risk assessment of any “significant” event using the Metropolitan Police Service Event Risk Assessment Form 696. A copy of this form shall be provided to the Metropolitan Police and the Licensing Authority at least 14 days in advance of the event together with a list of performers and artists. A “significant” event for the purposes of the 696 form is an event that is -
- promoted/advertised to the public at any time before the event, and
 - runs anytime between the hours of 2200 hours and 0400 hours the following day; and
 - is in a nightclub or a large public house
 - predominantly features DJs or MCs performing to a recorded backing track;
- 7.4 Where a significant event has taken place, the management shall complete an Event Debrief Risk Assessment Form 696A and submit this to the Metropolitan Police and Greenwich Council within 7 days of the conclusion of the event. The forms are available from: http://www.met.police.uk/events/events_promotions.htm. Completed forms should be submitted to clubsfocusdesk-co14@met.police.uk and a copy sent to licensing@greenwich.gov.uk.
- 7.5 Greenwich Council expects organisers of outdoor events subject to a premises licence, to address in their operating schedules the measures they will take to ensure that the licensing objectives are met. Greenwich Council has produced an Outdoor Events Guide for organisers of such events. Organisers should also refer to Section 20 of this Statement of Policy. This Guide gives detailed and specific advice to applicants on issues they need to address in their application, such as requiring an event management plan, traffic management plan, noise management plan, sufficient stewarding, safe structures and risk assessments. Greenwich Council recommends organisers of such events to seek advice from the Licensing Service before submitting their application.

8 Licence Conditions

- 8.1 Greenwich Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Any terms and conditions attached to licences will be focused on matters that are within the control of individual licensees.
- 8.2 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the near vicinity of the premises. In this regard Greenwich Council will primarily focus on the impact, or reasonably anticipated impact, of any activities taking place at the licensed premises on those living, working or engaged in normal activity in the area concerned.

Appendix D

- 8.3 Where Greenwich Council's discretion is engaged as a result of relevant representations, tailored and proportionate conditions may be imposed on a licence to address the individual licensing objectives. These may include conditions drawn from the model pool of conditions issued by the DCMS.
- 8.4 In assessing the methods to be used by licence applicants to meet the licensing objectives and in consideration of representations made, regard will be taken of relevant industry standards, appropriate guidance, and local policies. These will inform the conditions which will be applied to the licence.
- 8.5 In order to avoid duplication with other statutory regimes as far as possible Greenwich Council will not attach conditions on a licence unless they are considered necessary for the promotion of the licensing objectives.
- 8.6 Whilst Greenwich Council will not wish to duplicate controls and criminal sanctions which already exist, the Licensing Authority will consider the particular effects that a premises or event may have and impose appropriate standards given the type, frequency, size, etc of activity proposed to take place.
- 8.7 Greenwich Council may impose a 'safe capacity' limit on relevant premises, where necessary, for the promotion of public safety or the prevention of disorder. This would only occur in cases where no safe capacity has been imposed through other legislation and a responsible authority may consider it necessary to set a new capacity limit. In these circumstances, where relevant representations are made by responsible authorities, a condition may be attached to the premises which would apply at any material time when the licensable activities are taking place. For example, in certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 8.8 In decisions relating to applications in respect of general purpose grocery stores, Greenwich Council may impose a limit on the shelf space available for the display of alcohol.

9 Saturation Policy

- 9.1 Greenwich Council may receive representations from either a responsible authority or an interested party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance, or otherwise compromising the licensing objectives, over and above the impact from the individual premises themselves. In such cases the issue of saturation can be taken into account when considering the individual merits of any application.
- 9.2 Greenwich Council has received evidence that the saturation of licensed premises is undermining the licensing objectives in the following areas-
- Greenwich

Appendix D

- Trafalgar Road
- Plumstead High Street
- Eltham Town Centre
- Woolwich

These areas will be referred to throughout the remainder of this statement of policy as the “saturation policy areas”.

- 9.3 After considering this evidence Greenwich Council has adopted a special saturation policy in respect of these areas.
- 9.4 The evidence for the adoption of the “saturation policy” in respect of these areas is attached at Appendix B of this policy. Detailed maps showing the boundaries of these areas are attached at Appendix A.
- 9.5 The effect of the saturation policy is that Greenwich Council will refuse applications for a new premises licences or club premises certificates, or material variation of an existing licence or certificate, whenever it receives relevant representations unless an applicant can demonstrate why the grant or variation involved will not add to the cumulative impact experienced. The impact can be expected to be different for premises with different styles and characteristics.
- 9.6 Greenwich Council recognises that within saturated areas different types of licensed premises mutually benefit from each others existence attracting large groups of people. This in turn may increase the possibility of crime and disorder and public nuisance, thus impacting on the promotion of the licensing objectives. For this reason, special consideration will be given to all classes of licensed premises within the saturation areas.
- 9.7 The adoption of a “saturation policy” for these areas does not relieve responsible authorities or interested parties of the need to make a relevant representation. Before Greenwich Council may lawfully consider giving effect to this “saturation policy”, a relevant representation must have been made. If no representations are received, it remains the case that any application must be granted in terms that are consistent with the operating schedule and any mandatory conditions required by the Act.
- 9.8 Responsible authorities and interested parties may however make written representations, maintaining that it is necessary to refuse an application within the saturation policy area for the promotion of the crime and disorder objective, and in doing so may refer to the evidence considered by Greenwich Council in the adoption of the “saturation policy”.
- 9.9 Greenwich Council will not use any “saturation policy”
- As grounds for revoking an existing licence or certificate.
 - A complaint relating to a crime or disorder or nuisance situation in the “stress areas” would only be regarded as relevant if it can be linked by cause to particular premises.

Appendix D

- To refuse applications to vary an existing licence or certificate, except where the modifications are directly relevant to the “saturation policy”.
- 9.10 The “saturation policy” does not include provision for terminal hours in respect of premises within these areas, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.
- 9.11 Greenwich Council will regularly review each “saturation policy” in place in respect of premises in these areas to see whether it is still needed or should be expanded.
- 9.12 Greenwich Council recognises that there are other mechanisms both within and outside the licensing regime available for addressing the cumulative effect of licensed premises, which may include-
- Planning controls.
 - Positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
 - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
 - The Council’s power to designate part of the Borough as places where alcohol may not be consumed publicly.
 - Police enforcement of the general law with regard to disorder and anti-social behaviour, including the issue 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 the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
 - The powers of police, other responsible authorities, local residents and local business to seek a review of the licence or certificate.
- 9.13 Prior to designating the saturation policy areas, as part of its consultation on the revised Licensing Policy, Greenwich Council has consulted in accordance with section 3 of this policy within the proposed areas.

10 Licensing Hours

- 10.1 Greenwich Council recognises that simultaneous closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. The licensing objectives will be paramount considerations at all times when considering the individual merits of each case.

Appendix D

- 10.2 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops, which are known to be a focus of disorder, or in an area which is the focus of disorder and disturbance then, subject to representations, a limitation on licensed hours may be appropriate.
- 10.3 Greenwich Council will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions will be expected with regard to noise control in the case of premises that are situated in areas that have a greater density of residential accommodation. This will particularly apply in circumstances where, having regard to the location, size, and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods from 2330 hours to 0700 hours.
- 10.4 Greenwich Council expects applicants to provide a noise management plan as part of the operating schedule where there is to be an outside drinking area or the when licensed activities involve amplified music. The suitability of the premises in terms of the building's capacity to limit sound will be taken into account in decisions in respect of applications that include amplified music.
- 10.5 In respect of premises supplying take-away food as a primary activity there will be a presumption that the Licensing Authority will not license premises to permit the supply of alcohol for consumption off the premises between the hours of 2300hours and 0500 hours.

11 Children and Licensed Premises

- 11.1 Greenwich Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so for the prevention of harm, or would compromise another licensing objective. Greenwich Council is sympathetic to applications which create additional appropriate child and family friendly venues.
- 11.2 When deciding whether to limit access to children or not, the Licensing Authority, if its discretion is engaged and it is deemed necessary to address the licensing objectives, will judge each application on its own individual merits. Examples, which may give rise to particular concern in respect of children, would include premises –
- where entertainment of a sexual nature is provided (see section 12 below)
 - where there is a strong element of gambling taking place
 - where there have been convictions for serving alcohol to those under 18
 - where underage drinking has been a problem

Appendix D

11.3 Greenwich Council recognises the widespread problem with off-licences and compliance with the law regarding the sale of alcohol to under 18 year olds. Greenwich Council expects applicants for off-licences to address the crime and disorder and the protection of children from harm licensing objectives when completing their operating schedules. Measures that Greenwich Council reasonably expect applicants to implement include to-

- Ensure that the staff are trained to “Think 25” whilst being prepared to sell to anyone who can prove they are over 18 years old.
- Require photographic identification in the form of a driving licence, passport or identify card to be requested from any person who appears to be under the age of 25 years of age and the display of notices to that effect.
- Ensure that all staff responsible for selling alcohol shall be trained in the proof of age policy and records of training to be maintained.
- Give reminders to relevant staff regarding the sale of alcohol to children at key times, such as school holidays, and keep records of those reminders.
- Keep a refusals book that must be available for inspection.
- Require the display of ‘proxy sales’ notices in appropriate places around the premises, notifying the public that it is a crime to purchase alcohol on behalf of a person under 18 years of age.

Greenwich Council will work in partnership with the other “Responsible Authorities” to ensure that robust action is taken in respect of holders of premises licences for off-licences who persistently flout the law.

11.4 Where Greenwich Council receives information that illegal activities may be taking place in any premises it will pass on this information to the Police or other enforcement agency.

11.5 It is intended that a complete ban of children from premises will be rare. Greenwich Council will not usually licence premises to permit persons under the age of 16 to be present after 2300 hours where the premises are primarily used for the consumption of alcohol.

11.6 Greenwich Council may consider other options for limiting the access of children deemed necessary for the prevention of harm including

- a limit on the hours when children may be present
- an age limitation (for under 18’s)
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- exclusion of people under 18 when any licensable activities are taking place

Appendix D

- 11.7 Greenwich Council will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 11.8 In the case of premises that are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by Greenwich Council itself. Details of the process for the classification and re-classification of films may be found on the Greenwich website.
- 11.9 Where a large number of children are likely to be present on any licensed premises, for example, children's show or pantomime, then additional conditions may be imposed, including requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm. Anyone intending to provide staff for the supervision of activities of children under 16 will be required to carry out criminal record checks on all such staff. A register of these checks shall be kept on the premises and available for inspection by authorised Licensing Authority or Police officers.
- 11.10 A young person of compulsory school age must have a Child Performance Licence and be accompanied by a parent or a chaperone or matron approved by the Local Authority to perform in licensed premises. Information regarding performance licences and chaperone licences can be found on the Greenwich website.

12 Entertainment Involving Striptease or Nudity

(The Police and Crime Act 2009 amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to include a new category of sex establishment called the Sexual Entertainment Venue. This category reclassifies lap dancing clubs and entertainment involving striptease or nudity. Section 2 of 1982 Act allows the local authority to resolve to adopt the provisions of Schedule 3. Greenwich Council intends to adopt this legislation and applicants who wish to provide this category of entertainment will have to apply under Schedule 3 of the Local Government (Miscellaneous Provisions) Act and should seek guidance for such applications under the Greenwich Policy for Sex Establishments.

Once Greenwich Council has adopted this legislation then sections 12.1 to 12.6 will be superseded by the Greenwich Policy for Sex Establishments.)

- 12.1 Greenwich Council will give particular consideration to the implication of the proposals across the four licensing objectives in cases where the application includes entertainment involving full or partial nudity or striptease or any other kind of sex-related entertainment.

Appendix D

- 12.2 Greenwich Council policy is that premises providing such entertainment may constitute a public nuisance if they are in or near residential areas. This is particularly the case if the premises are close to schools or community or youth facilities. Such premises may potentially generate particular crime and disorder, public nuisance and safety concerns within the community from lewd acts and disorder.
- 12.3 It is Greenwich Council's view that in cases where a valid representation is received, an application involving such entertainment will only be granted if it is satisfied, having regard to all the circumstances including the nature and extent of the activities, the location of the premises, and the conditions proposed by the applicant or which might properly be imposed by the authority, that the proposals are compatible with the promotion of the four licensing objectives.
- 12.4 In particular, while each application will be considered on its own merits, such applications will not normally be granted where the premises are located-
- Near residential accommodation.
 - Near places of worship, community facilities or public buildings.
 - Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or used by children or families.
 - Tourist areas, museums, sports facilities and 2012 venues.
 - Or within sight of pedestrian routes or bus or railway stations serving the above.
- 12.5 Greenwich Council will expect applicants to indicate in their operating schedules what measure they propose to have in place to ensure the good management of the premises. Conditions should be provided in the operating schedule prohibiting the participation of customers in the performance. Greenwich Council expects the following conditions to apply:
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance.
 - The provision of CCTV and the maintenance of a library of recordings.
 - A code of conduct for dancers shall be in place including appropriate disciplinary procedures for failure to comply with the code.
 - Rules of conduct for customers shall be in place, including appropriate procedures for breach of these rules.
 - The provision of supervisors and security staff.
 - Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity age and (where required) permission to work.
 - There will be no advertisements for striptease displayed on the outside of the premises.

Appendix D

- When striptease is being provided on the premises notices will be displayed on the premises stating “Only people over 18 will be allowed on the premises”.
- The striptease entertainment will not be able to be viewed from the street.

12.6 Applicants must also note that as part of the process of ensuring that applications that include entertainment entailing nudity or striptease receive proper consideration, the application form and all public notices in respect of such applications must clearly state the details of the proposed entertainment. Greenwich Council will clearly state the nature of the proposed entertainment in its consultation letter.

13 Licence Reviews

- 13.1 Greenwich Council recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. Greenwich Council will endeavour to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. Greenwich Council, where time allows, will be prepared to facilitate mediation between the licensee and those who may be intending to review the licence.
- 13.2 Reviews can be sought at any stage following the grant of a licence by a “Responsible Authority” or “interested party” which also includes Councillors. An application for review may be requested as a result of a matter arising at the premises in connection with any of the four licensing objectives. In addition, a review of the licence will normally follow any action by the police to close down premises for up to 24 hour on the grounds of disorder or nuisance as a result of a magistrate’s determination sent to Greenwich Council.
- 13.3 Where a review of a premises licence is sought this must relate specifically to a particular premises licence relating to an individual premises.
- 13.4 Greenwich Council may reject an application made by an interested party if it determines that the grounds for the review are vexatious, frivolous or repetitious. Greenwich Council may not reject an application for review on these grounds from a “Responsible Authority”.
- 13.5 Premises subject to review must display a statutory notice so that it is visible to passers by stating the ground for review and advising those who wish to make a representation to write to the Licensing Section of Greenwich Council. Greenwich Council will also place similar notices in the reception area of the Council premises where the Licensing Service is based and on the Council Website. In addition to this, Greenwich council may carry out a letter drop to residents and traders in the vicinity of the premises notifying them of the application for review.

Appendix D

- 13.6 The Violent Crime Reduction Act 2006 gives the police a new power to review a Premises Licence with immediate effect where a senior police officer considers there is the risk of serious crime or disorder at the premises. Greenwich Council will consider any interim immediate steps that may include modifying the licence conditions, suspending the licence or removing the Designated Premises Supervisor (DPS). Greenwich Council shall carry out a full review of the Licence within 28 days. Greenwich Council may take steps without consulting with the Licence holder. If interim steps are taken, Greenwich Council shall immediately notify the Licence holder and the police. The Licence holder is entitled to make representations at this stage and a hearing will be held to allow this.
- 13.7 The full licence review shall be held within 28 days of the original police review application. The Review may result in modification of the licence conditions, removal of the DPS, suspension of the Licence for up to three months or revocation of the Licence. Representations will be accepted from any interested party or responsible authority either on behalf of or against the licence holder.

14 Temporary Event Notices

- 14.1 The Act provides a system by way of Temporary Event Notices for the temporary sale of alcohol, provision of regulated entertainment and late night refreshment. Premises that do not hold these authorisations or wish to extend their authorisations on a temporary basis must give notice of the event to the Greenwich Council and the Police. Only the Police may intervene to prevent such an event from taking place for reasons of preventing crime and disorder. Temporary Event Notices are subject to the following limitations
- the duration is limited to a period of up to 96 hours,
 - events cannot involve the presence of more than 499 people at any one time,
 - the same premises can only be used for up to 12 occasions in a calendar year, but the aggregate number of days must not exceed 15,
 - there must be a minimum of 24 hours between event periods for the same premises by the same premises user,
 - a personal licence holder is limited to 50 events per year,
 - a person not holding a personal licence is limited to 5 events per year.
- 14.2 The “premises user”, for the purpose of the temporary event notice must give at least 10 working days and no more than two months notice to the Licensing Authority and the Police. This notice excludes the day the notice is given and the date the event starts. Greenwich Council will not accept late applications for temporary event notices as shortening of the consultation may impact on the proper consideration and decision of the application.

Appendix D

- 14.3 Where a temporary event notice is in place, the “premises user” must ensure that the notice does not override any planning restrictions regarding the terminal hour of operation of the premises.

15 Smoking and the Use of External Areas

- 15.1 Where an application includes provision of a smoking shelter then Greenwich Council expects the shelter to be situated as far as possible from neighbouring residential premises and children’s play areas.
- 15.2 In relation to smoking outside licensed premises, Greenwich Council expects:
- The provision and maintenance of suitable receptacles for customers to dispose of cigarette litter in areas used, or likely to be used, for smoking
 - Licensees to take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 2200 hours. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which readmissions to the premises will not be permitted.
 - Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.

16 Alterations to Licensed Premises

- 16.1 The required plans submitted in a licensing application form part of the Premises Licence or Club Premises Certificate and must not be altered without the consent of Greenwich Council. Licensees must always consult with the Greenwich Council Licensing Service before making any alterations to the licensed premises that may affect that plan.
- 16.2 Greenwich Council will only accept applications for minor variations to plans for the premises if they are satisfied that the application will not impact adversely on the licensing objectives. If the intended alteration to the plans impact on the licensing objectives, a variation or grant application will be requested. The decision as to whether a new licence application or a variation is required lies with Greenwich Council.

17 Enforcement

- 17.1 Greenwich Council has established protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to low risk premises where there is no evidence of breach of the licensing objectives.

Appendix D

- 17.2 Greenwich Council fully recognises the role businesses play in supporting our social life and the local economy. Greenwich Council and the Police share the aim of helping responsible businesses and their customers to take advantage of the new flexibilities, and taking appropriate enforcement action against those who abuse them. Greenwich Council will work with the Police to ensure that effective action is taken to deal with unlicensed activity, breaches of licence conditions, or crime and disorder associated with licensed premises.
- 17.3 An ongoing risk based enforcement programme is in place to ensure we respond to complaints of non-compliance with licence conditions and we concentrate on areas where licensed premises are perceived to be contributing to anti social behaviour.
- 17.4 For those who do act irresponsibly, serve alcohol to minors or those who are already clearly drunk, our aim is to take firm action against them.
- 17.5 In general, action will only be taken in accordance with agreed enforcement principles and in line with Greenwich Council's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

18 Integrating Strategies

- 18.1 By consulting widely prior to this policy statement being published Greenwich Council aim to secure proper integration with local crime prevention, planning, transport, tourism, cultural and other local strategies.
- 18.2 The Government's alcohol Harm Reduction Strategy (*Safe, Sensible, Social. The next steps in the National Alcohol Strategy (June 2007)*) has also identified a number of priorities that should be considered when taking decisions in connection with licensing matters. These priorities aim to reduce problems associated with under-age drinking, reduce public drunkenness, and prevent alcohol related violence.
- 18.3 Where any protocols to be agreed with the police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which could lead to disorder and disturbance that may have a negative cumulative effect Greenwich Council will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur. Greenwich Council will aim to adopt the best practise described in the Greater London Authority report: *Managing the Night Time Economy Best Practice Guidance (March 2007)*.
- 18.4 There are a number of wider issues that may need to be given due consideration when dealing with applications. Greenwich Council's Licensing Committee may from time to time therefore receive reports on the:
- Needs of the local tourist economy
 - Cultural strategy for the area

Appendix D

- Employment situation in the area and the need for new investment and employment where appropriate
- Planning considerations which might affect licensed premises
- Crime and disorder issues within the Borough

18.5 Greenwich Council, where appropriate, will attach conditions to premises licences and club premises certificates, so far as possible, to reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Where appropriate it should reflect the input of the local Crime and Disorder Reduction Partnership.

18.6 Greenwich Council's Licensing Committee may also from time to time provide appropriate reports to other Committees and organisations for their consideration.

19 Promotion of Racial Equality

19.1 It is fully recognised that the Race Relations Act 1976 as amended, places a legal obligation on Greenwich Council to have due regard to the need to eliminate unlawful discrimination, and promote equality of opportunity and good relations between persons of different racial groups.

19.2 Greenwich Council is committed under the Greenwich Equality Policy (2003), to ensure all forms of equality in respect of religion/belief, gender, sexual orientation, disability and age.

20 The Licensing Process

20.1 Powers of Greenwich Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

20.2 It is considered that many of the functions will be administrative in nature and, in the interests of speed, efficiency, and cost effectiveness, these will be carried out by officers. Such matters delegated in this way will be listed for information at the next Licensing Committee meeting.

20.3 The Licensing Sub-Committee/s will deal with applications where there are relevant representations or objections, as well as any applications for the review of a licence prompted by representations from any of the relevant bodies.

20.4 When determining applications Greenwich Council will have regard to any Guidance issued by the DCMS. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's consideration will balance the representations against the potential wider benefits to the community.

Appendix D

- 20.5 When attaching conditions Greenwich Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. Greenwich Council will monitor the impact of licensing on regulated entertainment, particularly live music and dancing, in the Borough. If there is evidence that licensing requirements deter such activities it will consider how to mitigate the adverse effects and if necessary will review the Licensing Policy.
- 20.6 Greenwich Council encourages the licensing of public spaces for cultural and community events. By licensing the public space, event organisers do not need to obtain a licence themselves for individual events. The views of interested parties and responsible authorities will be taken into account in ensuring the premises licence fully meets the requirements of the licensing objectives.
- 20.7 Greenwich Council acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community
- 20.8 The Director of Community Safety and Environment has delegated authority, in consultation with the Chief Executive and Leader, to determine whether licensing matters should be considered by the Licensing Committee. Except where it is decided that a matter should be determined by the full Licensing Committee, Greenwich Council accepts the Secretary of State's recommendations that delegation by the Licensing Committee will be approached in the following way:

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection made	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made.	If no relevant representation made
Application for provisional statement	If a relevant representation made.	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made.	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases

Appendix D

Matter to be dealt with	Sub Committee	Officers
Decision to object when local authority is a consulted and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice.	All cases	
Classification of Films		All cases
Re-classification of Films		All cases
Application for Minor Variation of a Premises Licence or Club Premises Certificate		All cases



Licensing Act 2003

STATEMENT OF LICENSING POLICY

January 2011



Comments are invited on this document to:
Licensing, Watford Borough Council, Town Hall,
Watford, Hertfordshire WD17 3EX.

Tel: 01923 278503 Fax: 01923 230765
Email: licensing@watford.gov.uk

Appendix D

Contents

Prologue.....	4
The Borough of Watford.....	5
Introduction.....	6
General Considerations.....	9
Pre-application Considerations.....	10
Policy LP1 – Premises Definitions.....	12
Policy LP2 – Location and Operation of Premises.....	13
Policy LP3 – Creating a Family Friendly Town Centre.....	17
Policy LP4 – Cumulative Impact of Off-Licences.....	21
Policy LP5 - Planning Permission.....	23
Licensing and Other Legislation.....	24
Temporary Events.....	25
Personal Licences.....	27
Designated Premises Supervisors.....	27
The Licensing Objectives	
• Policy LP6 - Prevention of Crime and Disorder.....	28
• Policy LP7 - Public Safety.....	30
• Policy LP 8 - Prevention of Public Nuisance.....	32
• Policy LP9 - Protection of Children From Harm.....	34
Policy LP11 - Representations Against Application.....	36
Policy LP12 - Complaints Against Licensed Premises.....	38
Policy LP13 - Licence Reviews.....	39
Policy LP14 - Enforcement and Compliance Policy.....	41
The Licensing Committee.....	43
Relationship to Other Policies and Legislation.....	45
Appendix I - Licence Review Guidelines.....	46

Watford Borough Council is the licensing authority under the Licensing Act 2003, and are required to publish and keep under review a policy setting out our approach to our responsibilities under the Act.

It is intended that this policy will be used by a wide range of people within the Borough – from organisations who need authorisations under the Act; residents and others who may be affected by their activities, and by the statutory bodies with responsibilities under the Act.

This policy is in force from 6 January 2011 until 6 January 2014, unless revised beforehand. We hope that organisations and individuals will use it before making licence applications, and that residents and statutory bodies will use it when responding to licensing applications or existing licensed activities.

In drawing up the policy, we have consulted with:

- local residents and their representatives
- local community, cultural and entertainment organisations
- holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Trading Standards
- Hertfordshire Local Safeguarding Childrens' Board
- Watford Community Safety Partnership
- One Watford.

Our consultation was conducted between 6 July 2010 and 6 October 2010, during which time we attended public meetings, opened a “Consultation Shop” in Charter Place, advertised the proposals in the Watford Observer and on flyers, and published the policy on our website. It was approved by the full Council – the Licensing Authority – on 17 November 2010.

Our licensing committee will consider each January how the policy has operated, and whether any changes to it are needed.

The Borough of Watford

Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of 81,000 (August 2009) making it one of the smallest in the county in terms of population.

Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre (CACI Ltd 2001).

Situated in the south west of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway has enhanced road access to the major airports at Heathrow, Gatwick, Stansted and Luton.

Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey.

Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centered around the Harlequin Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.

Potential operators should however refer to the District Plan and the emerging Local Development Framework (through our Development Control Team or on our website at: www.watford.gov.uk) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.

Further information about the Borough is contained in the Community Plan 2006 – 2026, which can be obtained from the Council's offices or via our website at: www.watford.gov.uk/ccm/content/strategic-services/equalities/eia-community-plan.en

Introduction

We recognise that the four objectives of the Licensing Act – prevention of crime and disorder; public safety; prevention of nuisance; and child protection – are paramount.

Our vision is to create a safe and family-friendly environment within the Borough, particularly within the town centre. Whilst we recognise that each application must be considered on its individual merits and must be granted in the absence of any relevant representations, policies will be implemented to achieve our overall aims.

In September 2008 we launched a 24-hour strategy for the town centre (available on request), to take us to 2012. Following public consultation, we began to tackle some key issues:

- (1) The lack of a town centre cinema, art gallery/studio space, 21st century library/museum with existing arts fragmented across the town resulting in a lack of a distinctive cultural offer for the town.
- (2) No consistent promotion of the town.
- (3) Businesses that are currently missing from the town centre particularly distinctive independent retail and restaurants.
- (4) Dominance of night time drinking to the exclusion of much else.
- (5) Use of external, informal spaces.
- (6) Ongoing improvement and maintenance of the built environment.
- (7) Traffic congestion and alternative methods of transport.
- (8) Fear of crime particularly by those who do not use the town centre at night. (The 2008 – 2009 Place Survey reported that only 47% of our residents feel safe after dark).

In January 2009 we launched our Cultural Study, with the aspiration to:

“Create a vibrant, diverse and distinctive area at the top of Watford’s town centre that, through effectively integrating a range of facilities, activities and open spaces, will act as a stimulating focal point for culture and heritage within the borough. The rejuvenated area will deliver key cultural, physical, economic and social improvements to the town and will make a major contribution to achieving the Council’s vision of a family friendly town centre.”

“The area overall will exploit the best of current provision, whilst successfully blending it with new facilities and open spaces that will be designed and built to deliver a contemporary destination which will meet people’s needs and aspirations and contribute to the borough’s economic prosperity and civic pride in the town.”

Appendix D More details visit: www.watford.gov.uk/ccm/content/strategic-services/watford-town-centre-cultural-study.en or contact our licensing team.

We intend to work with partners in the town and to develop these programmes to also achieve Purple Flag accreditation for management of our night-time economy during the life of this policy, and recognise this involves taking some tough decisions.

Where we have discretion because relevant representations have been made about licensing applications, we may also take into account the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a family-friendly town centre, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at over-25 year olds;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) the controlled and safe sale of alcohol;
- (6) transport/dispersal provision, particularly during periods when public transport is unavailable;
- (7) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a family-friendly environment, characterised by a range of activities and offers that would appeal to families of all backgrounds. A family-friendly environment may (but need not) be characterised by:
 - a range of alcoholic and soft drinks suitable for all ages;
 - a food menu catering for different tastes and needs, available throughout the duration of the premises' operating times;
 - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/ table areas;
 - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (8) involvement in local community events and organisations
- (9) commitment to involvement in community safety partnership initiatives.
- (10) use of street pavement licences for outdoor table areas.

Promoting and celebrating Watford's diverse cultures

We are keen to promote the artistic and cultural life of the town, and licensing will be approached with a view to encouraging new and innovative forms of public entertainment that are consistent with the licensing objectives and this aim.

We encourage greater live music, dance, theatre and other forms of entertainment for the wider cultural benefit of the community. However, we will seek to strike a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities and we will not allow the views of vocal minorities to predominate over the general interests of the community.

We will as far as possible avoid measures that deter live music, dance, theatre and entertainment, for example by imposing conditions that have indirect costs of a disproportionate nature.

We are aware of the community value of a broad range of cultural entertainments, particularly live music, theatre and dancing. We want to encourage them for the benefit of all. We have issued a premises licence for the town centre for the use of community and other groups, and enquiries should be addressed via email to our Arts & Events team at: community@watford.gov.uk

General Considerations

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 licence-holder. However, as a matter of policy, we expect every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

We will consider every application, on its own merits. We will have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act (available from: www.culture.gov.uk). Where it is necessary to depart from the guidance – either in this policy or at any other time – we will give clear and cogent reasons for doing so.

We will consult with relevant stakeholders on the operation of this policy through an annual Open Meeting each autumn, in advance of an annual report each January to our Licensing Committee on the operation of the Act. We will also take advantage of other forum, such as Pubwatch, Off-Watch and Door Supervisor liaison meetings.

Pre-Application Considerations

Our experience in administering the licensing regime since 2005 shows us that many disputes start from poor communication – for example, the Act doesn't always allow applicants to fully explain their proposals, leading residents to misunderstand what is being proposed. In that case, formal representations are made and licensing hearings held to simply clarify what is being proposed.

We would strongly encourage applicants to hold pre-application discussions with us, other relevant statutory bodies and even interested parties before submitting all but the most straight-forward applications.

Applicants should note that all applications are detailed on a weekly email bulletin, which is published on our website. Applications for the grant and variation of premises licences and club premises certificates are also circulated by letter to the fifteen nearest properties to the premises affected by the application, to ensure interested parties are aware of the application. Applicants are requested to submit a copy of their public notice to our officers after it has been published in a local newspaper.

Licensing is about the regulation of licensed premises, qualifying members' clubs and temporary events. We may only impose conditions on premises licences and club premises certificates in one of two circumstances:

- (1) where the applicant volunteers them as part of their operating schedule; or
- (2) on receipt of relevant representations from interested parties or responsible authorities, which the licensing authority accepts as being relevant.

We have produced a separate document containing pools of model conditions for premises licences and club premises certificates. Applicants are under no compulsion to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant representations be received, we will use those pools of conditions to address the concerns raised before we consider whether to refuse an application.

Terms and conditions attached to premises licences or club premises certificates in these circumstances will be reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. These matters will centre on the premises and places being used for licensable activities and in the vicinity of those premises or places.

Appendix D Officers will draft appropriate conditions for premises licence and club registration certificates from the information supplied in operating schedules accompanying premises licence and club premises certificate applications.

We recognise that we have no statutory power to place conditions where a temporary event notice has been given, but urge premises users to take note of the guidance in this policy in appropriate circumstances.

Where no representations have been received, we must grant the authorisation in the terms sought.

Policy LP1

Premises Definitions

For the purposes of policy LP2 and LP3, we define licensed premises as set out below:

Premises	Use
Restaurants	The sale of food and drink for consumption on the premises with full waiter service and/or full food menu throughout the trading period, and which typically has only incidental background music. Alcohol sales do not predominant over activities. It may occasionally include the provision of other licensable activities such as recorded or amplified music and limited facilities for the provision of dancing.
Public houses, wine bars or other drinking establishments	Primarily for the sale of alcohol and food for consumption on the premises, and which may include the provision of other licensable activities. Will include a “drinking up period” between the last sale of alcohol and the closing time of the premises.
Café-bars	The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises.
Hotel bars	The sale of alcohol and/or food, either to hotel residents or to non-residents.
Night-clubs	Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature.
Off-licences	The sale of alcohol for consumption away from the premises.
Pavement licences	The sale of alcohol and/or food on the highway outside of other premises licensed for such activities.
Qualifying clubs	Qualify for a club premises certificate under the Licensing Act 2003.
Take-aways	The provision of late night refreshment (hot food and drink) between 11pm and 5am for consumption away from the premises.
Other entertainment venues	The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or only ancillary to other licensable activities.

Policy LP2

Location and Operation of Premises

I. The table below sets out our approach to licensing premises when we have received relevant representations to a licensing application, notwithstanding that each application will be considered on its merits:

Premises type	Town centre (see also policy LP3)	Leisure or shopping area	Residential area
Café-bars	Will generally be granted according to the application.		
Hotel bars	Will generally be allowed alcohol sales and late night refreshment to residents 24-hours a day and to non-residents on the same basis as restaurants (see below).		
Night-clubs (including lap-dancing clubs ^{1*})	Will generally be allowed licensable activities to 1am only and until 10.30pm on Sunday (other than for special occasions).	Will generally be allowed licensable activities to 1am only (other than for special occasions).	Will generally be allowed licensable activities to midnight only (other than for special occasions).
Off-licences	Will generally be allowed alcohol sales to 8pm only.	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop.	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop.
Other entertainment venues not listed	Will generally be granted for the hours and activities requested.		May be limited to midnight.
Pavement licences ^{2*}	Will generally be allowed alcohol sales to 10pm only.	Will generally be granted according to the application.	Will not generally be granted for alcohol sales in residential areas outside pubs, but will if outside restaurants and café-bars.

* We have published separate policies about pavement and about sex entertainment venue licences, which are available on our website and from our licensing team.

Appendix D

Public houses, wine bars and other drinking establishments	Will generally be allowed alcohol sales to midnight only, and until 10.30pm on Sunday (other than for special occasions).	Will be allowed alcohol sales to midnight only (other than for special occasions).	
Qualifying clubs	Will generally be granted for the hours and activities requested.		
Restaurants	Will generally be allowed licensable activities to 2am only (other than for special occasions).	Will generally be allowed alcohol sales to midnight only (other than for special occasions).	
Take-aways	Will generally be allowed late-night refreshment sales to 1am only (other than for special occasions).	Will generally be allowed late-night refreshment sales to 1am only.	Will generally be allowed late-night refreshment sales to midnight only (other than for special occasions).

2. Where alcohol is sold for consumption on the premises, our policy will be to generally grant an additional 60 minutes between the end of any sales of alcohol and the closing time of the premises (which we refer to as the “terminal hour”).
3. Where we have considered representations for licences that do not involve alcohol sales, we reserve the right to set a final hour for licensable activities and for the closing time of the premises (the “terminal hour”).

Justification for LP2

We recognise that flexible licensing hours for alcohol sales can help to reduce concentrations of customers from leaving premises simultaneously, and to reduce conflict at late-night take-aways and taxi ranks. At the same time, we recognise that taxis/private hire vehicles (and private vehicles) are effectively the only form of post-midnight transport in the Borough.

We are therefore adopting this policy to meet the recommendations in the Secretary of State's guidance at paragraph 13.41 of providing choice and flexibility for consumers whilst balancing the duty to promote the four licensing objectives against the rights of local residents to peace and quiet. This justifies a more restrictive approach in residential areas when relevant representations have been made. A more restrictive approach for take-aways within the LP3 area is justified to reduce conflict late at night, and for off-licences to reduce the availability of alcohol being drunk on the streets ("pre-loading") during the evening.

Petrol Filling Stations

Section 176 of the Licensing Act prohibits alcohol sales from premises that are used primarily as, or are part of premises that are primarily used, as garages for one or more of the retailing of petrol or derv; or the sale and maintenance of vehicles.

If premises that are primarily used as a garage are granted a licence, that licence is "of no effect" and alcohol may not be lawfully sold.

It follows that we must be satisfied whether or not any premises are used primarily as a garage before we grant a licence for it. This policy is intended to be applied flexibly, as we are aware many pubs and restaurants have car parks attached where customers may drink alcohol and then drive away, and that customers will also drive to supermarkets for example to buy alcohol, many of which also have car parks.

Policy LP2A

1. In determining applications for garages, we require applicants to demonstrate that their premises are not primarily used as a garage. Such evidence must be based on sales and footfall data over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises' main feature. Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
2. Where relevant representations have been made and a premises licence is granted in these circumstances, we shall treat it as an off-licence for the purposes of policy LP2 and grant hours accordingly.

Justification for LP2A

Paragraph 5.24 of the statutory guidance issued under the Act makes it clear that we must decide whether or not any premises is used primarily as a garage. We are aware that different licensing authorities take a number of different approaches to this question. This approach allows us to obtain the necessary information for us to reach that decision.

Circuses

It is clear that authority is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.

The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by licensing authorities across the country. The incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports and film performances are rarely included.

Policy LP2B

I. It is our policy that circuses do not require authorisations under the Licensing Act 2003 for regulated entertainment, unless a significant proportion of the performance amounts to regulated entertainment. This policy is intended to be applied flexibly.

Justification for LP2B

It is our experience that circuses are low risk, pose no significant risk to the licensing objectives, add value to the cultural activities of the town, and are regulated by other means including compliance with the Health and Safety at Work Act 1974.

Policy LP3

Creating a Family Friendly Town Centre

This policy applies in these parts of the town centre:

- Albert Road South
- Charter Place
- Church Street
- Clarendon Road (between The Parade and Beechen Grove George Street)
- High Street (between The Parade and Beechen Grove)
- King Street (between High Street and Exchange Road)
- Market Street (between High Street and Exchange Road)
- New Street
- Wellstones
- Queens Road (between High Street and Beechen Grove)
- The Parade

Our starting point is to seek a reduction in crime and disorder, consistent with our statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended), and an improvement in local amenity through the reduction in alcohol-related anti-social behaviour.

We have adopted a special policy for this part of the town centre, which is intended to be strictly applied. We want to encourage more restaurants, cafes, food establishments and venues offering entertainment licensable activities and would positively encourage applications for those type of premises whilst discouraging alcohol-led premises. Whether there is a need

Appendix D not for further premises of a particular type, in accordance with the Secretary of State's guidance at paragraph 13.23, will not be a consideration.

This policy does not apply where an application to review a premises licence or club premises certificate has been made (Secretary of State's guidance, paragraph 13.32).

Policy LP3

1. When we have received relevant representations to an application for a pub, night-club or bar (as defined in policy LP1) in this part of the town centre, our starting point will be to refuse the application.
2. Where relevant representations to an application for a restaurant, café or premises providing other non-alcohol licensable activities (as defined in policy LP1) are received, our starting point will be to grant the application subject to conditions to address those representations.
3. Where exceptions can be shown and we have received relevant representations, variations to extend the hours of alcohol-led premises will not generally be allowed until the premises have been operating for at least 12 months without having an adverse impact on the licensing objectives.
4. Where relevant representations have been received, we will consider granting applications which limit the hours of operation to those set out in policy LP2 unless the exceptions to LP3 can be shown.
5. Where relevant representations have been received and exceptions can be shown for applications for public houses and night-clubs, we will consider whether to require waiter/table service for alcohol sales between 9pm and the final time for the sale of alcohol.
6. Where relevant representations have been received to sell alcohol after 10pm and exceptions can be shown, we will consider whether premises shall be required to install a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary and to have use of a Pubwatch radio.
7. Where relevant representations have been received in relation to applications for late-night refreshment premises that provides a delivery service, we shall consider imposing a condition that those deliveries are only made to a fixed physical address.

Exceptions to LP3

1. Exceptions will not be made on the grounds that:
 - (1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
 - (2) that the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
 - (3) the premises are small. Even small premises can contribute to crime, disorder and nuisance.

2. We will consider whether to grant an application, even when relevant representations have been received, if:
 - (1) the application contributes to the family-friendly development of the town centre; or
 - (2) to effect a real reduction in capacity of alcohol sales; or
 - (3) to replace vertical drinking establishments with seated consumption and waiter service.

3. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should not be made.

Justification for LP3

Over the last decade we are aware there has been a link in levels of violent crime and anti-social behaviour linked to an increase in alcohol-licensed premises. Nearly 80% of all alcohol related offences between September 2008 and August 2009 occurred within the town centre, where over half of Watford's pubs and clubs are located and 40% of the town's licensed premises. Between September 2009 and April 2010, the town centre area experienced a 23% increase in violent crime, much of which is committed between 1 am and 3 am. Other types of crime, such as public order offences, have also increased and much of it is linked to the night-time economy. Reducing these levels is currently a strategic priority for the Watford Community Safety Partnership.

With our partners we have introduced a number of measures to help prevent more people becoming victims of crime:

- Additional policing resources at times of peak volumes (with an impact on policing at other times of the week).
- Town centre CCTV and requiring town centre premises to install CCTV.

Appendix D Employing Council and police licensing enforcement officers.

- Establishing door supervisor liaison arrangements.
- Playing a full part in the town centre Pubwatch scheme (which includes a radio network linked to the CCTV control).
- Introducing a “Three Strikes” scheme for persistent alcohol-related offenders.
- Establishing a night-time economy focus group - “Altogether Watford”.
- Implementing a late-night taxi marshal scheme.
- Increasing the number of licensed taxis.

Working with local residents and the police, we have successfully demonstrated to the courts on eight occasions since 2001 the impact that more alcohol-licensed premises has on community safety in the Borough. However, we recognise that the correct approach is not to penalise good operators but to review the licences of poor operators, and have granted applications when it has been right to do so.

We are satisfied, on receipt of numerous representations from the police and the Watford Town Centre Residents’ Association, that the level of violent crime, anti-social behaviour and nuisance caused by people visiting pubs and bars in the area defined in policy LP3 undermines the crime prevention, public safety and prevention of nuisance objectives. We are implementing a policy to restrict the growth of certain types of licensed premises, whilst actively encouraging applications from others, which may conflict with paragraph 13.37 of the Secretary of State’s guidance.

Policy LP4 Cumulative Impact of Off- Licences

This policy applies to Whippendell Road, between its junction with Cassio Road and Hagden Lane. If evidence comes to light that the licensing objectives are being undermined in St Albans Road we will consider extending this policy to that locality too.

Our starting point is to seek a reduction in crime and disorder, consistent with our statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended), and an improvement in local amenity through the reduction in alcohol-related anti-social behaviour.

We have adopted a special policy for this part of the Borough, which is intended to be strictly applied.

Policy LP4

1. Where relevant representations have been received to the grant of a premises licence for the sale of alcohol for consumption off the premises, the application will be refused.

Exception to LP4

1. An exception to policy LP4 will be considered where the application in question replaces another premises of a similar or comparable size. Whether there is a need or not for further premises will not be a consideration in accordance with the Secretary of State's guidance at paragraph 13.23.
2. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should not be made.

Justification for LP4

Whippendell Road is in Vicarage ward, which with the adjacent Holywell ward recorded the second highest numbers of alcohol-related offences between September 2008 and August 2009. The most prevalent alcohol related offences for the period assessed were assaults, driving offences, public order offences and theft.

We wish to discourage more off-licences in a small, discrete part of the Borough where approximately 20% of the commercial premises are licensed to sell alcohol abutted by residential premises; where two treatment agencies to assist people with alcohol dependencies are located in the vicinity; where there have been significantly high reports of alcohol-related anti-social behaviour, and where two licensed premises have been the subject of review proceedings by the Council since 2005 for contraventions of the Licensing Act (higher than elsewhere in the Borough).

Planning Permission

The use of any licensed premises or places is subject to planning controls. There are several differences between licensing and planning control. The most significant is that planning is concerned with how land is used and its impact on the surrounding amenity, whilst licensing concentrates on protecting public safety in its widest sense.

New occupiers are not normally required to obtain planning permission unless there is a material difference in the use of the premises, before use of it begins. Material changes by existing operators may also require additional planning permission, and advice should be sought from the planning authority.

To avoid the risk of the planning authority raising representations against a proposed licensing application, applications are advised to ensure they have the correct planning consents in place before making a licensing application.

Policy LP5

1. Where representations have been made by the Local Planning Authority on grounds that the application will undermine the licensing objectives unless planning permission has been obtained, and we resolve to grant a premises licence or club premises certificate, it shall be subject to a condition that it will be of no effect until the appropriate planning permission has been granted by the Local Planning Authority.

Exceptions to LP5

1. Exceptions to this policy may be considered where, for example, the applicant has simultaneously applied for a licence and planning permission.

Justification for LP5

The Secretary of State's guidance at paragraph 13.64 reinforces the view that planning and licensing are separate regulatory regimes and that licence applications may be made before a planning application. However, in the light of experience, whilst wishing to ensure the independence of the two regimes we also wish to see consistency between the two.

Licensing and Other Legislation

Operators of licensed premises will have to comply with planning, environmental health, health and safety at work, fire safety and building control legislation when opening or adapting premises licences.

We will seek to avoid confusion or duplication by not imposing licensing conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.

Temporary Events

Most temporary events will not present any problems – for example, a temporary event notice may be needed to allow a special occasion in a pub or restaurant to be celebrated, or for wine to be sold at a parent-teacher association dinner.

In other circumstances, there may be slightly more risks involved – for example, for an amateur dramatic performance or an indoor sporting competition such as a competitive darts match. In these cases, we recommend that organisers consider the following points.

Organisers should give at least three months' notice to hold all but the smallest events, to allow us to help plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard. The law states that at least ten working days notice must be given but the less time that is given will increase the likelihood of the police objecting.

Our Safety Advisory Group, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the borough, whether or not a premises licence or a temporary event notice is needed. Event organisers are encouraged to use the Safety Advisory Group as part of their event planning process and may find it useful to refer to the Watford Event Guide.

Contact can be made through our Community Services team on tel: 01923 226400 or email: community@watford.gov.uk

The licensing authority is unable to add any conditions to a temporary event notice. When organising any small-scale event (whether or not requiring a temporary event notice), organisers are recommended to consider:

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?
- have any crime prevention measures been considered – for example, are steps taken to regularly bank large amounts of cash during the event, or to keep it in a secure location? Are there a suitable number of stewards or door supervisors available?
- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise-reduction measures (such as keeping windows and doors shut or

Appendix D

can it get down late at night)? Have you considered how visitors will arrive and leave the event?

- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Licensing Act, other legislation might apply. This can include:

- Health and Safety at Work etc Act 1974
- Fire Precautions Act 1971
- Environmental Protection Act 1990.
- Anti-Social Behaviour Act 2003.

The licensing authority's licensing enforcement officers will visit many of the events held under the terms of a temporary event notice to offer safety guidance and advice where appropriate. Both they and the police have powers to enter premises where temporary event notices are in force to ensure the crime prevention objective is not being undermined.

Organisers of large, occasional events that do require a premises licence (as opposed to the temporary event notice provisions) are advised to have regard to the following documents in preparing their operating schedules:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org/pages/publications

Personal Licences

Applicants with unspent criminal convictions for relevant offences as set out in the Licensing Act are encouraged to first discuss their intended application with the police and licensing authority officers before making an application.

The police will arrange a joint interview with prospective personal licence holders to discuss the circumstances surrounding the conviction.

Applicants may bring with them supporting evidence, character references or representatives to the meeting.

Designated Premises Supervisors

We strongly believe in the value of working in partnership with the police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with licensed premises.

Designated premises supervisors (and the holders of premises licences or club premises supervisors) for any other premises may be invited to a meeting where the police or licensing authority feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.

A joint interview will always be arranged where the police are minded to object to the transfer of a designated premises supervisor on the ground that such transfer may undermine the crime prevention objective.

The Licensing Objectives

Prevention of Crime and Disorder

We strongly recommend that before submitting applications involving premises licences or club registration certificates, you should discuss crime prevention procedures with the police, and consider inviting a police crime reduction officer or a licensing authority officer to conduct a crime prevention audit.

Not only does this demonstrate your commitment to reducing crime and disorder within Watford, but would also reduce the likelihood of the police making representations on those grounds.

We play an active role in Pub-watch and Off-Watch schemes across the Borough. We strongly encourage all premises licence holders to play an active role in these organisations, in order to share information and exchange best practise with other venues and the responsible authorities under the Act. Not adopting this co-operative approach could lead to adverse representations being made to licensing applications from the responsible authorities.

Policy LP6

1. Where relevant representations have been made, we shall either consider the report of a crime prevention assessment where voluntarily produced as part of the operating schedule, or consider whether to require one to be conducted and the recommendations implemented as conditional on the grant of a licence or certificate.
2. Where relevant representations have been made, we will particularly consider the following:
 - (1) the ability of the person in charge of the premises to monitor the premises at all times it is open for licensable activities, particularly the sale of alcohol for consumption on the premises;
 - (2) the training given to staff in crime prevention measures and licensing law appropriate to those premises;
 - (3) physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, the use of toughened drinking glasses in pubs and clubs and secure storage of waste materials;
 - (4) the employment of licensed door supervisors. We recommend that at least one male and one female door supervisor is employed where the venue has a policy of searching customers;

Appendix D

- (5) management attitudes and practices, such as the willingness to stagger trading hours with nearby competing businesses to avoid all of their patrons subsequently competing for the limited public transport late at night, their willingness to limit sales of bottled alcohol for immediate consumption, and the use of responsible pricing promotions;
- (6) any other such measures as may be appropriate, such as participation in a local Pubwatch or Shopwatch scheme, 'music wind—down policies', restrictions on 'happy hours';
- (7) use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;
- (8) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- (9) where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- (10) the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

Justification for LP6

We are under a statutory duty under the Licensing Act to promote the prevention of crime and disorder, and have a duty under the Crime and Disorder Act 1998 to seek a reduction in crime and disorder throughout the Borough.

Appendix D

Public Safety

We are aware that applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both.

A failure to comply with these provisions could lead to representations being submitted by the statutory responsible authorities, particularly the Health and Safety at Work enforcing authority or Hertfordshire Fire & Rescue Service.

Applicants are advised to seek appropriate advice on public safety matters either before opening or making variations to licensed premises.

We want to ensure the safety of everyone on licensed premises. In some cases, setting an occupancy limit for premises may be an important factor in promoting public safety where other legislation, such as the Regulatory Reform (Fire Safety) Order, is not sufficient.

Policy LP7

1. Where a relevant representation relating to occupancy limits and its impact on public safety is received, we will consider setting an occupancy limit for nightclubs and other premises where regulated entertainment is to be provided. In doing so we will consider:
 - (1) advice from Hertfordshire Fire & Rescue Service to ensure any occupancy limit we set does not exceed that which would be considered acceptable for fire safety purposes;
 - (2) the design and layout of the premises;
 - (3) the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
 - (4) the provision or removal of temporary structures such as staging or furniture;
 - (5) the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
 - (6) the customer profile;
 - (7) the applicant's crowd management strategies and policies.
2. We will not consider imposing conditions that duplicate, enhance or 'gold-plate' existing health and safety requirements except in the following circumstances:
 - (1) where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

Appendix D

(2) Where relevant representations have been received, to require equipment of a particular standard to be provided, and maintained and checked on the premises at specified intervals. We would not however require possession or production of specific certificates relating to such equipment where this is already covered by other legislation.

3. Other relevant factors we may take into account and which may not be adequately addressed by other legislation could include:
 - (1) access by emergency services;
 - (2) facilities for disabled people, particularly in an emergency;
 - (3) prior notification to the emergency services of special events;
 - (4) lighting levels;
 - (5) staffing levels, including the numbers of licensed door supervisors;
 - (6) seating arrangements;
 - (7) special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
 - (8) temporary electrical installations;
 - (9) safety checks (before, during and after regulated entertainment);
 - (10) First Aid facilities for members of the public.

Justification for LP7

Applicants are under a duty to comply with Health and Safety at Work and associated legislation. In some cases, where other legislation does not adequately address risks posed from licensable activities, we shall address those risks through the premises licence or club premises certificate.

Prevention of Public Nuisance

We are determined to protect the amenity of residents and businesses in the vicinity of licensed premises. For these purposes 'vicinity' is taken to mean the immediate area around licensed premises where the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside.

The statutory guidance issued by the Secretary of State makes clear that 'nuisance' has the broad definition retained at common law. When deciding whether something is a nuisance, consideration must be given to the following:

- it is a persons' basic right to peacefully enjoy their property, but there is no right to total silence
- trivia cannot be taken into account when determining nuisance
- isolated acts, unless extreme, cannot be considered a nuisance. The problem must normally be continuous and regularly occurring
- the person complained of needs to substantially affect the enjoyment of comfortable living, that is it must interfere with a person's use, enjoyment or rights connected with their land. In the case of noise complaints the loss of a good night's sleep would be sufficient to meet these criteria. There would however have to be consideration for:
 - the time the noise occurs
 - the area
 - any precautions taken to minimise the disturbance.
- nuisance can only be established in law if there is material interference with comfort from normal standards. It does not give protection to abnormally sensitive people. The problems of noise or smell must therefore be considerable.
- neighbourhood character needs to be taken into account. What might be a nuisance in a residential area may not be so in the town centre and vice-versa.

Policy LP8

- I. In considering all licence applications where appropriate representations have been received, we will consider any necessary measures to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application including
 - (1) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies, keeping external windows and doors closed and sound limitation devices;

Appendix D

- (2) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10pm and 7am than at other times of the day;
- (3) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- (4) the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- (5) the steps taken to identify food and drink packaging from the premises in questions and the steps to reduce litter as far as is reasonably practicable (particularly from off-licences and late night refreshment establishments);
- (6) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- (7) whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;
- (8) whether licensed taxis or private hire vehicles are likely to disturb local residents;
- (9) the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- (10) the use of gardens and other open-air areas, including those used for smoking;
- (11) delivery and collection areas and times;
- (12) the siting of external lighting, including security lighting that is installed inappropriately;
- (13) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including flyposters, smoking materials or illegal placards) in the vicinity of the premises;
- (14) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence-holders.

Protection of Children From Harm

Other than the sale of alcohol, we wish to encourage licensable activities that are suitable for people of all ages, including children.

We strongly encourage applicants to give full details of proposed adult entertainment on their application forms to allow the responsible authorities to assess the merits of the proposal.

Policy LP8 is intended to be strictly applied.

Policy LP9

1. Where we receive relevant representations, we may impose conditions to restrict entry by children under 18:

- (1) to all or part of the licensed premises;
- (2) at certain times of the day;
- (3) when certain licensable activities are taking place; or
- (4) by children under specific ages unless accompanied by an adult.

Where we receive relevant representations we may impose conditions relating to the advertising or external display of licensable activities that may be harmful to children.

2. We will particularly take into account where:

- (1) significant authorised gambling taking place such as gaming machines or poker games (taking note that under-18s and alcohol are generally prohibited from most licensed gambling premises anyway)
- (2) there is a history or likelihood of under-age sales or consumption of alcohol
- (3) activities or entertainment (whether licensed under the 2003 Act or not) or a clearly adult or sexual nature
- (4) criminality at the premises likely to harm children
- (5) licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
- (6) other hazards to children that are not sufficiently controlled
- (7) events or activities are specifically targeted at those under 18 without appropriate safeguarding measures being proposed (eg running youth discos without a sufficient dispersal plan to ensure young people can leave the premises and get home safely).

Film Exhibitions

We would expect operating schedules for the display of films to include a stipulation that children will be restricted from viewing age-restricted films certified by the British Board of Film Classification (BBFC) in line with the mandatory condition under the Licensing Act for showing films to children under 18.

Policy LP10

- I. We will only consider substituting a classification by the BBFC for one of our determination in the light of exceptionally strong representations that the BBFC classification provides insufficient protection for children. Those making representations in this respect will be expected to provide compelling reasons as to which other classification should be substituted in place of the BBFC's.

Justification for LP10

The BBFC are the acknowledged experts with the experience and expertise who have been entrusted by the Government to classify films for viewing by all sections of society. As such, we should not lightly over-turn its decisions, and we have not had previous cause to do so under either the Licensing Act or its predecessor Cinemas Act 1985.

Representations against Applications

Representations may be made by anybody living or working in the vicinity of licensed premises or qualifying clubs in relation to an application for a new licence/certificate or variation to an existing licence/certificate.

Representations may also be made by organisations representing such bodies, such as residents' associations or chambers of commerce. Organisations such as churches, schools or hospitals may also make representations.

Ward councillors may represent 'interested parties' in their role as a representative of the community, make representations either in their own right if they live or work in the vicinity of the premises, or may make representations as a member of the licensing authority about any relevant application, but may not sit on the committee dealing with that particular application.

We recommend that representations should:

- (1) be made in writing
- (2) indicate the name and address of the person or organisation making the representation
- (3) indicate the premises to which the representation relates
- (4) indicate the proximity of the premises to the person making the representation
- (5) clearly set out the ground for making the representation.

Representations can only be considered if they are concerned with one of the four licensing objectives:

- (1) crime prevention;
- (2) public safety;
- (3) prevention of nuisance;
- (4) prevention of harm to children.

In accordance with statutory regulations, we will forward copies of representations to the applicants in order that they may respond. Representations which are not previously withdrawn are included in reports that are considered by councillors at hearings and are published on our website.

In some exceptional and isolated cases, we may consider that an interested party has a genuine and well-founded fear of intimidation from divulging their name and/or address to the applicant. We will consider an alternative approach in these circumstances providing we are satisfied that the circumstances justify such an action and the representations or concerns are not frivolous or vexatious.

1. Where an interested party (such as a local resident, or a resident's association) has made a valid representation or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
2. We may reject representations from an interested party if it appears the representations are frivolous (lacking in seriousness) or vexatious (made repeatedly on the same or similar grounds). Where a representation is not accepted because it is frivolous or vexatious, we will give reasons why that is the case in writing. We may also reject representations from an interested party who is not within the vicinity of the premises concerned, as the Act requires. In such cases, our officers will make the determination, giving interested parties the benefit of the doubt where appropriate.
3. Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, our officers will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committees, giving interested parties the benefit of the doubt. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. A report will be made to the licensing committee indicating only the general grounds of the representation and the reason it was rejected.

Complaints against Licensed Premises

We will investigate complaints against any licensed premises, including in conjunction with other responsible authorities where appropriate. In the first instance, we encourage complaints to be raised directly with the licence-holder or business concerned.

Policy LPI2

1. Where an interested party (such as a local resident, or a resident's association) has made a valid representations or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
2. This process will not override the right of any interested party to ask that the licensing committee consider their valid representations or an application for a licence review, or for any licence holder to decline to participate in a mediation meeting.

Licence Reviews

We may not start our own review of premises licences. It would be improper for the authority to lay allegations of its own and then also determine the outcome of a hearing to consider them. Other parts of the local authority such as environmental health officers, who are specified as responsible authorities under the Act, may however request reviews.

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

Policy LPI3

- I. We can only review a licence where it is alleged that the licensing objectives are not being kept. An application for a licence review is an acknowledgment that existing systems have broken down. We view particularly seriously applications for the review of any premises licence where it involves the:
 - (1) use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
 - (2) use of licensed premises for the sale or distribution of illegal firearms;
 - (3) evasion of copyright in respect of pirated films and music;
 - (4) underage purchase or consumption of alcohol;
 - (5) use of licensed premises for prostitution or the sale of unlawful pornography;
 - (6) use of licensed premises for unlawful gaming;
 - (7) use of licensed premises as a base for organised criminal activity;
 - (8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
 - (9) use of licensed premises for the sale of smuggled tobacco or goods;
 - (10) the use of licensed premises for the sale of stolen goods;
 - (11) where the police are frequently called to attend to incidents of disorder;
 - (12) prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
 - (13) where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
 - (14) where serious risks to children have been identified;
 - (15) continuous breaches or contraventions of licence conditions;
 - (16) not operating the premises according to the agreed operating schedule.

Appendix D

Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.

3. We would not expect a responsible authority which is also alleging criminal conduct on the part of a licence holder, (such as allowing underage sales of alcohol), to first exhaust the relevant legal powers at their disposal before making an application for a review.
4. Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the finding of the courts, which it will treat as a matter of undisputed evidence before it.
5. It is envisaged that the responsible authorities will use the review procedures effectively to deter unlawful activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance - could be seriously considered.
6. We will expect that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.
7. In considering our response to an application for a review, we will adopt the approach set out at appendix I.

Enforcement and Compliance Policy

We formally inspect premises on a risk basis to ensure licence conditions are being complied with. We work with all of the responsible authorities and other partners on other operations and intelligence-gathering exercises.

Policy LPI4

1. All premises to be licensed for the first time will be inspected to establish a base-line assessment. All premises will be risk-rated, and will be inspected on the following basis:

Risk Status	Enforcement and Monitoring
High	<p>Inspection of premises at least every 6 months</p> <p>Frequent monitoring during operating hours may also be conducted</p>
Medium	<p>Inspection of premises once a year</p> <p>Monitoring during operating hours may also be conducted</p>
Low	Inspection of premises every 18 months
Very Low	Inspection of premises every 3 years

2. We base assessment of risk on four criteria:
- (1) confidence in the premises' management and systems;
 - (2) history of previous complaints;
 - (3) history of previous enforcement action;
 - (4) what conditions (if any) had been imposed on the premises licence or club premises certificate.

Full details of the risk criteria and the inspection regime are available on request.

Enforcement

We have a long-established licensing enforcement policy based around the principles of consistency, transparency and proportionality set out in the Government's Enforcement Concordat and the statutory Regulators' Compliance Code, which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

Our licensing enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated administrative offence – such as failing to maintain certain records – may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety – such as failing to maintain fire extinguishers properly – may result in a referral for prosecution.

We continue to work actively with other responsible authorities in enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required. We have signed the Hertfordshire Licensing Enforcement Protocol in conjunction with the other responsible authorities within the county.

During 2010-2011 we expect to review our enforcement policy, copies of which are available on request.

The Licensing Committee

Our licensing committee will consist of fifteen Councillors that will sit at least once annually.

The chair of the licensing committee shall be elected at the annual meeting of the Licensing Authority in May. The chair of the licensing sub-committees shall be elected at the meeting of the sub-committee.

We will ensure that members and officers are appropriately trained to carry out their duties under the Licensing Act. In accordance with the Council's Constitution, no councillor shall sit on any licensing committee unless they have received appropriate training.

Scheme of Delegation

Sub-committees of three councillors will sit to consider applications where valid representations have been received. Where a sub-committee does not have all three members present, it may only meet with the approval of the chair of the licensing committee in consultation with the Head of Legal and Property Services.

Applications referred to sub-committees will be accompanied with a report prepared by our officers. This will include recommendations relating to the operating schedule, representations, the Licensing Act and other legislation, statutory guidance, national and local policy, good practise, or recommended conditions that could be considered to alleviate any concerns raised in the representations.

The licensing committee will also sit to determine general licensing policies not associated with the Licensing Act 2003, such as those policies under taxi and private hire vehicle legislation.

The licensing committee and its sub-committees will also sit to determine matters arising under the Gambling Act 2005.

Our licensing officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Where applications for minor variations to premises licences and club premises certificates have been made, officers will consult with the responsible authorities they feel are relevant to the application. They will also consult with the chair of the Licensing Committee before deciding whether to allow or refuse the application.

Role of Councillors

Local councillors play an important role in their local communities. They can act on behalf of interested parties and make representations in their own right if they qualify as interested parties too. However, local councillors with a prejudicial interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence (providing other parties may also do so). Councillors must however withdraw from the meeting immediately afterwards and on no account play a part in the decision-making process.

The licensing sub-committee will also refer to the licensing committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

This does not apply to applications made by the Council itself for licences or permissions under the Act. In those circumstances, it is unlikely that councillors would have a prejudicial interest in the matter before them, as defined in the Model Code of Conduct for Councillors issued under the Local Government Act 2000.

Committee Decisions

The licensing committee will refer to the licensing authority any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A summary of the decision shall be posted on the licensing authority's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.

Relationship to Other Policies and Legislation

- I. Although the four objectives are the only matters that the licensing authority may take into account when making licensing decisions, as a public body the licensing authority is also required:
 - (1) Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
 - (2) To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
 - (3) To implement the Licensing Policy in a manner consistent with its equality scheme under the Race Relations (Amendment) Act 2000, which is available on request from Indu Sood, Equalities Officer, Strategic Services, Town Hall, Watford, Hertfordshire WD17 3EX (email: indu.sood@watford.gov.uk).

2. This policy also integrates with other Council policies and strategies such as:
 - (1) Corporate Plan 2009 – 2014
 - (2) Watford Community Plan 2006 – 2026
 - (3) 24-hour strategy for the town centre 2008
 - (4) Local Development Framework Core Strategy (Family Friendly Town Centre)
 - (5) Safer Watford Community Safety Plan 2010 – 2011

Appendix I Licence review guidelines

The Licensing Committee and sub-committees when holding licence review guidelines to maintain a degree of consistency and transparency in decision-making will apply the guidelines below. **The Committee reserves the right to amend and republish these guidelines in the light of operational experience.**

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results • Previous track record 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional condition
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition • Previous warnings ignored • Long and prolonged disturbance • Excessive nuisance during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Short-term disturbance • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary acceptance/proposal of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition

Appendix D

	Aggravating factors	Mitigating factors
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected • Children not allowed on premises as part of operating schedule 	<ul style="list-style-type: none"> • Conduct occurred with consent of person with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Voluntary acceptance/proposal of additional conditions • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol
Following enforcement action by responsible authorities	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Offender previously convicted or cautioned for same or similar offence • Offences over prolonged periods of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard of licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or penalty notice for disorder (“fixed penalty notice”) • First offence or warning • Single offence • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
<ol style="list-style-type: none"> (1) To take no action (2) To issue a written warning (3) To modify the conditions of a premises licence or club premises certificate, including the addition of new conditions or deletion of old conditions (4) To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate (5) To remove the designated premises supervisor from the licence (6) To suspend the licence for a period not exceeding three months (7) To revoke the premises licence or withdraw the club premises certificate 	Possible Outcomes	

(Footnotes)

* We have published separate policies about pavement and about sex entertainment venue licences, which are available on our website and from our licensing team.

Appendix D



Comments are invited on this document to:

Licensing, Watford Borough Council, Town Hall,
Watford, Hertfordshire WD17 3EX.

Tel: 01923 278503 Fax: 01923 230765

Email: licensing@watford.gov.uk



Building a better community for all

Statement of Licensing Policy 2011-2014



**Blackpool
Council**

BUILDING A BETTER COMMUNITY FOR ALL

Appendix D

INDEX

<u>PART 1</u>		Page
1.1	Introduction	3
1.2	Licensing Objectives	3
1.3	Licensable Activities	3
1.4	Licensing Committee	4
1.5	Integration with local strategies	4
1.6	Planning	5
1.7	Anti-Social Behaviour	6
1.8	Live Music, Performance and Entertainment	6
1.9	Film classification	6
1.10	Representations	7
1.11	Mediation	7
1.12	Hearings	7
1.13	Decision	7
1.14	Appeals	8
1.15	Enforcement	8
<u>PART 2</u>	<u>Personal Licences</u>	
2.1	General	9
2.2	Designated Premises Supervisor	9
<u>PART 3</u>	<u>Premises Licences and Club Premises Certificates</u>	
3.1	General	11
3.2	Training	11
3.3	Applications	11
3.4	Plans	12
3.5	Operating Hours	12
3.6	Outside Areas	13
3.7	Adult Entertainment	13
3.8	Security	15
3.9	Provisional Statements	16
3.10	Cumulative Impact	16
3.11	Reviews	19
<u>PART 4</u>	<u>Temporary Event Notices</u>	21
<u>PART 5</u>	<u>Policy Review</u>	22
Appendix A	Delegation of Powers	23
Appendix B	Measures to promote licensing objectives	24
Appendix C	Area covered by cumulative impact policy	32
Appendix D	Film Classification guidelines	33

Appendix D

PART 1

1.1 Introduction

This Statement of Licensing Policy deals with the following types of licence/notice issued under the Licensing Act 2003:

- Personal Licence
- Premises licence
- Club Premises Certificate
- Temporary Event Notice

Each application will be determined on its own merits, although in reaching a determination, the licensing authority will have regard to the Licensing Objectives, the Secretary of State's guidance and this statement of policy.

The purpose of this policy is to set out the approach that the licensing authority intends to take when carrying out its functions under the Act. The policy does not seek to explain the various application processes – separate guidance and advice is available on request from the Licensing Service and from its web site.

1.2 Licensing Objectives

In carrying out its licensing functions, the authority will promote the Licensing Objectives set out in the Act:

- Prevention of Crime and Disorder
- Protection of Public Safety
- Prevention of Public Nuisance
- Protection of children from harm.

Each objective is of equal importance.

Need is a question of commercial demand and is not a matter for the Licensing Committee to take into account when discharging its licensing functions.

1.3 Licensable activities

- The retail sale of alcohol for consumption on or off the premises
- The supply of alcohol to club members
- The provision of regulated entertainment –
 - An exhibition of a film
 - A performance of a play
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - A performance of live music

Appendix D

- Playing of recorded music
- A performance of a dance
- Entertainment similar to that listed above
- The provision of late night refreshment

The Licensing Service will be able to provide advice on whether or not activities are licensable through its website www.blackpool.gov.uk or by calling 01253 478572.

1.4 Licensing Committee

The Licensing Committee will consist of 15 Councillors. Whilst the full Committee may hear applications, hearings will ordinarily take place before a panel consisting of three members of the full Committee.

The Chairman of the Licensing Committee will be elected at the first meeting of the Licensing Committee of each Municipal Year. The Chairman of the panel will be elected at each meeting of the panel.

Councillors will not sit on a Licensing Panel involving an event or premises application within their ward.

The Authority's Licensing Officers will deal with all licence applications where either no representations have been received, or where representations had been received, but were subsequently withdrawn. A schedule of delegations can be found at Appendix A.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made objectively and not on the basis of any particular judgement. Where representations are rejected, the person making the representation will be given written reasons.

The Licensing Authority will ensure that members and officers are appropriately trained to carry out their duties under the Act and in accordance with the Council's Constitution. No member of the Council shall sit upon the Licensing Committee or Licensing Panel unless they have received appropriate training.

1.5 Integration of proposals with local strategies

A variety of local strategies and plans may be relevant when preparing an application and will be taken into account by the licensing authority.

In particular, applicants may wish to have regard to the local authority strategies relating to crime and disorder, anti-social behaviour, local transport, tourism, culture and sport.

Appendix D

The licensing authority will seek to integrate their policy with other policies of the local authority and in particular will:

- Have regard to the local transport plan
- Exchange information with the Assistant Director of Tourism and Economy on a regular basis (not less than six months) to ensure both functions are aware of developments in the others sphere of activity
- Encourage and promote a broad range of entertainment, in particular live music, dancing and theatre.
- Seek to facilitate wider cultural benefits, in particular for children
- Establish a policy of seeking premises licences for public open spaces
- See the provision of high quality customer services for those resorting to places of leisure and entertainment and in particular, will seek ongoing improvement to public transport, public cleansing and the local infrastructure

The licensing authority recognises that the Race Relations Act as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The licensing authority will have regard to this responsibility when imposing conditions on licences so as to ensure that they could not directly or indirectly lead to discrimination against any racial groups.

The Health Act 2006 prohibits smoking in enclosed public spaces. The majority of premises licence holders will be affected by this legislation (unless the premises licence wholly covers an area not deemed to be enclosed). Applicants for new licences as well as existing licence holders should make themselves aware of the legislation and ensure compliance with it.

The licensing authority has a duty under Section 17 Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

1.6 Planning

The licensing authority believes that effective co-ordination of the licensing and planning regimes is essential and is determined that licensing committee hearings will not involve a 're-run' of the planning process. The authority will not make decisions, which are contrary to previous planning decisions.

Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Existing planning permissions may be subject to conditions, for example hours of opening and applicants should ensure that the licence application complies with such conditions.

Appendix D

An application may be considered notwithstanding the planning status of the premises not being finalised for example when the provisional statement is sought.

1.7 Anti-Social Behaviour

The Licensing Authority believes that licensing decisions can be a key factor in the control of anti-social behaviour. Whilst accepting that it will not use licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place, and beyond the direct control of the premises licence holder, it does as a matter of policy expect every holder of a licence issued under this Act to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action. Any conditions attached to licences will be within the control of the individual licence holder and others in possession of relevant authorisations, and will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

1.8 Live music, Performance and Entertainment

The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. We are aware of the need to avoid measures as far as possible that deter live music for example by imposing indirect costs of a disproportionate nature.

The Council will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, we will consider how to prevent it, and if necessary change this policy.

1.9 Film classification

The British Board of Film Classification (BBFC) and the licensing authority are the classification bodies for films that are shown in the town. In the majority of cases the BBFC classifies films on behalf of the Licensing Authority however the Licensing Authority can be requested to classify a film that has not been classified by the BBFC. It is also possible for the distributor of a film to appeal to the licensing authority against a decision of the BBFC. It should be noted that any classification issued by the licensing authority will only apply to films shown in the Borough of Blackpool.

Requests for a Local Authority Classification should be made no later than 28 days prior to the proposed showing of the film. The request should be accompanied by a full copy of the film and the appropriate fee.

Appendix D

The film will be viewed by a panel of three members of the Licensing Committee who will issue a certificate in accordance with the guidelines shown at Appendix D

1.10 Representations

Representations may be received from responsible authorities and interested parties.

1.11 Mediation

Where an application has been made and representations have been received, the Authority would encourage mediation between the parties. If an agreement can be reached, the need for a hearing can be dispensed with.

The Licensing Service will facilitate mediation meetings on request.

1.12 Hearings

Hearings will be held during business hours at the earliest possible date

Whilst the committee and panels will usually meet in public they do have power to hear certain applications in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the Committee or Panel will be accompanied with clear reasons for the decision, having regard to the Human Rights Act 1998, the four Licensing Objectives, the Licensing Authority's policy and the Secretary of State's Guidance and all other relevant legislation.

Each case will be determined on its individual merits

Necessary and proportionate conditions may be attached to licences when a relevant representation is received. A list of standard conditions will be maintained and will be published. Any condition may be drawn from the list, or be based upon such a condition or may be devised having regard to the particular circumstances of the application and the physical characteristics of the premises as detailed in the application.

Any condition attached to a licence will be related to one or more of the licensing objectives, and will be focused on matters within the control of the individual licensees and others in possession of relevant authorisations.

Conditions will not relate to matters, which are the subject of imposition or enforcement under other statutes. The Licensing Authority will not impose conditions, which duplicate the requirements of other regulatory regimes.

1.13 Decision

Ordinarily, the Licensing Panel will reach a decision and notify the parties accordingly immediately. A written notice of decision will be sent to all

Appendix D

parties within 5 working days. Reasons for reaching the decision will be given in each case.

1.14 Appeals

A party aggrieved with the decision of the licensing panel has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days.

In determining an appeal the court may:

- Dismiss the appeal
- Substitute for the decision any other decision which could have been made by the Licensing Committee
- Remit the case back to the Licensing Committee to dispose of in connection with the direction of the Court.

1.15 Enforcement

The Council observes the enforcement concordat and the Licensing Authority will expect both the Licensing Service and Environmental Services division to operate in accordance with published enforcement policies. The Council further recognises the Hampton principles of inspection and enforcement:

- No inspection should take place without a reason
- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.

To support well-managed and well-maintained premises, a risk-based approach will be adopted to ensure that low risk premises and responsible operators are permitted to trade with the minimum level of inspection. Resources will be more appropriately directed to high risk and problem premises.

Appendix D

PART 2

Personal Licences

2.1 General

A personal licence is granted to an individual and permits the holder to make or authorise the supply of alcohol at premises subject to a premises licence. The licensing authority recommends, for the avoidance of doubt that authorisations to serve alcohol should be made in writing naming the person so authorised.

The requirements for an application are that the applicant:

- Must be aged 18 or over
- Possess a licensing qualification accredited by the Secretary of State
- Must not have forfeited a personal licence within 5 years of the application
- Has paid the appropriate fee
- Has submitted a criminality check

If the applicant for a personal licence can satisfy the Authority that they have passed an accredited qualification and have no relevant convictions, then the application **MUST** be granted.

If the Criminal Records Bureau check reveals relevant convictions, the application will be forwarded to the Police for their consideration. If the Police are of the opinion that granting the licence would undermine the crime prevention objective, they may make a representation.

Where the Police have issued an objection notice the licensing panel will normally refuse the application for a personal licence unless there are exceptional and compelling circumstances.

In reaching a decision, the panel will consider:

- The seriousness of the conviction
- The period that has elapsed since the offence(s) were committed
- Any mitigating circumstances.

Personal licences are valid for ten years unless surrendered, suspended, revoked or declared forfeit.

2.2 Designated Premises Supervisor

Every premises licensed for the sale of alcohol must have one personal licence holder specified as Designated Premises Supervisor. This will normally be the person with day-to-day responsibility for running the premises.

The Licensing Authority recognises that there is no requirement for the DPS to be at the premises at all times that it carries out licensable activities, and

Appendix D

it will not seek to achieve this by way of conditions, however the licensing authority does expect that the Designated Premises Supervisor or appointed person in control of the premises who has a personal licence will be on site in all Town Centre venues between the hours of 20:00 hrs – terminal hour on a Thursday, Friday, Saturday & Sunday. Additionally in busy town centre premises, it would be considered good management practice to ensure that a personal licence holder is available at all hours that the premises is open to the public. Depending on the nature of the premises, it may be sufficient for the personal licence holder to be contactable by telephone; in other cases it will be good practice for a personal licence holder to be physically on the premises.

A designated premises supervisor may supervise more than one premises, however they must be able to ensure that all four licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.

Appendix D

PART 3 Premises Licences and Club Premises Certificates

3.1 General

A Premises Licence authorises the holder to carry out licensable activities during the hours permitted and subject to the conditions endorsed on the licence. Unless it has been requested for a limited period only, a premises licence has effect until it lapses, is revoked or surrendered.

A Club Premises Certificate can be issued to a qualifying club and will permit the supply of alcohol to members and bona fide guests as well as the provision of regulated entertainment.

3.2 Training

The Licensing Authority advocate that the BII Level I in Responsible Retailing would be a good starting point for all staff engaged in the sale of alcohol. The courses are relatively affordable and provide an excellent means of being able to demonstrate due diligence should an unlawful sale take place.

Other training recommended would be the Council's Compliance Course which gives retailers an insight into all compliance issues such as Fire Safety, Health and Safety, licensing and associated regulations; the course is pitched at management and assistant manager level. Details of the course are available by contacting 01253-478315.

Additional supporting material – The Licensing Authority have created a Licensing Manual which provides examples of training and other helpful guidance documents, electronic versions of this manual are available for £10.00 through the Licensing Service.

3.3 Applications

Any person/business holding or seeking to hold a licence must be aware of the Licensing Objectives and should ensure that the premises operate (will operate) with a view to upholding these objectives.

Applicants for a new licence or a variation of an existing licence must, as part of the application form, complete the operating schedule. This schedule identifies the means by which the applicant intends to satisfy the licensing objectives.

Applicants should be aware that whilst the contents of the operating schedule should adequately reflect how the business will be operated, the steps contained in it should be realistic and within the control of the applicant and management of the premises. This is important because, if an application is successful, the contents of this operating schedule will be

Appendix D

translated into conditions on the licence. Licence conditions are enforceable in law and it is a criminal offence to fail to comply with them.

Failure to adequately complete the operating schedule may result in representations being made and the requirement for a hearing. Appendix B provides suggestions on what can be included in operating schedules.

If no representations are received in respect of an application, the licensing authority is obliged to grant the application.

3.4 Plans

There is no requirement for plans to be professionally drawn, however they should be clear, easy to read and must contain all the prescribed information.

Plans should normally be drawn on the scale 1:100, but the licensing authority has discretion to accept plans drawn to an alternative scale. Alternative scale plans will normally be accepted as long as the plans contain all the prescribed information, and are clear and easy to read. Advice should be sought from the licensing service if there is any doubt as to the suitability of existing plans.

Outside areas – Although consumption of alcohol is not a licensable activity, if the plan does not show outside areas such as beer gardens or similar, then any premises licence authorising the sale of alcohol for consumption on the premises only would not authorise the use of such areas.

3.5 Operating Hours

Flexible licensing hours may reduce crime and disorder and anti-social behaviour by allowing for a more gradual dispersal of customers. There is, however, no general presumption in favour of lengthening licensing hours and each application will be determined on its own merits.

One aim of the Licensing Act 2003 is to permit the gradual dispersal of customers from premises, rather than have all premises closing at the same time. It cannot be assumed that because rival operators are able to trade until a specified hour, the new application (or variation application) will be granted on the same terms – if this were allowed to happen the result would be that the historical problems that occurred at 11.20pm and 02.00am would still occur, just at a later hour. Responsible Authorities and licensing panels (in the event of a hearing) will carefully consider the proposed opening hours and the likely impact on the area.

The four licensing objectives will be given paramount consideration at all times.

Appendix D

Applicants are encouraged to include in their operating schedule not only the standard hours during which they wish to carry on licensable activities, but also special occasions such as bank holidays when they may wish to trade for an additional hour or two. Catering for these types of occasion will reduce the need to make variation applications.

Applicants are reminded that there are no longer any special provisions to cater for New Year's Eve; therefore if applicants wish to take advantage of longer trading hours over this period, the operating schedule should be endorsed accordingly.

Shops, stores and supermarkets will normally be free to provide sales of alcohol for consumption of the premises at any time the retail outlet is open for shopping unless there is good reason for restricting this. Similarly casinos will ordinarily be able to provide sales of alcohol for consumption on the premises at all times that it is open for the provision of gaming.

3.6 Outside Areas

The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with.

3.7 Adult entertainment

Applicants for new licences or variations of existing licences must also indicate the nature of any adult entertainment to be carried out the premises.

Where this section contains no information, it will be assumed that there are no intentions to allow such activities and the licensing authority will impose a condition to that effect.

Blackpool Council is in the process of adopting legislation which will permit them to issue sex entertainment venue licences. Until these provisions are fully implemented the following will apply to all premises where adult entertainment is to be offered. Following implementation, the following will continue to apply to those premises which will not require licensing under the new regime.

The Licensing Authority is concerned about the proliferation of lap dancing and other similar establishments on the Promenade and in the Town Centre in general. It is considered that the quantity of these establishments, together with the nature of some of the external advertising at the premises is having a negative impact on the family tourist trade that the authority is trying to promote.

Appendix D

One of the Licensing Authority's duties under the Licensing Act 2003 is to protect children from harm. It is the authority's view that this cannot be done without restricting the number of such premises, especially on the Promenade and within the Town Centre - areas many young children frequent. It will accordingly be the policy of this authority not to grant any more licences permitting adult entertainment in this area.

As a result of the policy detailed above, any applications for new (and variations of existing licences) will be carefully examined and the responsible authorities will expect a clear explanation in the operating schedule of the proposed signage, publicity, and external advertising and display materials. Explicit material should not be visible while signage relating to the nature of the entertainment and the exclusion of children should be prominent and conspicuous.

If premises are to be licensed for entertainment of a sex related nature they should be located having regard to the use of neighbouring premises such as places of worship or education. The Licensing Authority does not believe that a location near premises where a significant number of children may resort can be considered suitable.

Blackpool Council has produced guidelines on the provision of striptease and other erotic performance:

- No persons under the age of 18 years of age will be admitted to premises where an approved performance is taking place.
- Premises used for an approved performance will be equipped with a closed circuit television system installed and maintained to the satisfaction of the Chief Constable. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with accurate time and date markings. Tape recordings shall be made immediately available to an authorised officer of the council or a police officer.
- Premises used for an approved performance will be equipped with a means of controlling the number of persons admitted to the premises and / or assembling in the performance area to the satisfaction of the Chief Officer of the Lancashire Fire and Rescue Service.
- No performance shall involve physical contact between the performer(s) and any other person.
- No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982) and performers shall at all times wear a g-string or similar clothing on the appropriate part of the body.
- Performers shall not be the subject of any advertising involving the distribution of leaflets, promotion by canvassers or by touting.
- Neither the licensee, performer(s) nor any person concerned with the licensed premises or the entertainment shall encourage or permit others to encourage the audience to throw money to or otherwise give gratuities to the performers.

Appendix D

NOTE: This provision shall not apply to premises approved for pole dancing or table dancing.

The licensing authority would expect that CCTV should cover all performance areas in the premises including those areas set aside for private dances/performances.

3.8 Security

The Licensing Act 2003, creates a mandatory condition regarding door supervision, the Act states at Section 21(i) where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

The Licensing Authority recognise that good security plans and provision can prevent crime and assist in the fight against young people unlawfully gaining entry or accessing alcohol.

The Licensing Authority recommends that at least one member of door staff working on individual premises is studying towards or has successfully achieved Level 2 NVQ in Providing Security Services. The course is government funded and is anticipated to increase the levels of professionalism. Premises Licence Holders should look to individuals with such a qualification to manage the security on the premises and cascade down to other door supervisor's good quality working practices.

The role of security is the "shop window" of a premises and members of security teams interface directly with residents, visitors and agencies and the impression they leave can have a positive or negative effect.

The Licensing Authority want the experience of revellers and customers to be a safe, enjoyable and positive one and the security teams play an important ambassadorial role for the night time economy and for Blackpool as a resort.

Details on the NVQ qualification are available through Blackpool & Fylde College Telephone No. 01253 504190.

The Private Security Industry Act 2001 requires all persons engaged in a security activity to wear their security badge. In order for this requirement to be easily and safely met the Licensing Authority recommend that all door staff engaged in a security activity wear a purpose made high visibility armband which enables security badges to be clearly displayed. The armband also provides an element of high visibility which should benefit customers, other staff working on the premises and local enforcement agencies. The armbands are available at cost price by contacting 01253 478493.

Appendix D

The armband requirement does not replace or amend any condition on a premises licence that requires door supervisors working on the external door to wear a high visibility jacket.

3.9 Provisional Statements

Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities or are being or about to be extended or otherwise altered for that purpose, a person may apply for a provisional statement.

An application for a provisional statement must be accompanied by a schedule setting out those details required by Section 29 of the Act on the prescribed form.

Applications for provisional statements will be dealt with in a similar manner as applications for premises licences.

3.10 Cumulative Impact

3.10.1 General

The number, type and density of premises selling alcohol in a particular area can lead to serious problems of nuisance or disorder. In these circumstances the impact of the premises taken as a whole can be far greater than that arising from individual premises. In most cases it would be impossible to identify an individual premises as being the sole cause or major contributing factor.

The potential impact on the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This is not to be confused with “need” for premises in an area, which the Licensing Committee cannot take into account when determining applications. The cumulative impact of all the premises in an area upon the promotion of the Licensing Objectives is a proper matter for the licensing authority to consider.

3.10.2 Town Centre Saturation Area

The licensing authority has for some years, recognised that the town centre and promenade area identified in Appendix C, is an area where the behaviour of customers of all the premises taken together has a greater impact than normal on the crime and disorder objective. The licensing authority is now of the opinion that this area is suffering from cumulative impact, and designates it as the **Town Centre Saturation Area** in respect of premises licensed for the sale or supply of alcohol.

This policy will apply to applications including the sale or supply of alcohol for:

- New premises licences
- New club premises certificates
- Provisional statements

Appendix D

- Variations to existing licences (where the modifications are directly relevant to the issue of cumulative impact, for example, increases in hours or capacity)

The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. The licensing authority will expect the operating schedule to include detailed proposals dealing with the seating provision for customers (what percentage of proposed capacity will be seated), the provision of food, the type and style of entertainment to be offered.

This policy does not act as an absolute prohibition on the granting of new licences.

Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

3.10.3 Off-Licence Saturation Policy

On 21st January 2009 the Council approved the creation of a saturation area covering the wards of Bloomfield, Claremont, Talbot and Victoria. This policy is to apply to applications for permission to sell alcohol for consumption off the premises.

The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on the granting of new licences.

Applicants for licences within the off-licence saturation area will be expected to cover the issues detailed below in their operating schedule. Failure to do so may result in the refusal of the application:

- Details of proof of age scheme to be implemented and proposals for staff training
- Percentage of premises to be used for the sale of alcohol, including details of other items to be sold
- The applicant's policy on the sale of low value/high alcohol products and any drinks discounting that would be adopted.

Appendix D

Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

3.10.4 Review

The need for this policy will be subject to periodic review. The committee will consider saturation policies for other areas if appropriate evidence can be made available.

3.10.5 Applications outside of the designated area:

Representations on cumulative impact may be made in respect of applications for premises licences outside of the designated area. If such representations are successful, the licensing authority may choose to consult as to whether that particular area should be designated as an area of cumulative impact.

Where Responsible Authorities or Interested Parties seek to establish that an application should be refused on the grounds that it would result in (or further contribute to) cumulative impact, they should:

- Identify the boundaries of the area
- Identify the licensing objective(s) being undermined,
- Provide full details and evidence to show the manner and extent to which the licensing objective(s) are being, or will be undermined,
- Provide evidence that the problems are being caused by patrons of licensed premises in the area.

When considering such representations, the licensing committee will have particular regard to:

- The nature of the proposed application – including licensable activities, hours, and occupancy
- Measures proposed by the applicant in the operating schedule to mitigate or prevent adverse impact on the licensing objectives (including the proposed hours of operation)
- The proximity of the premises to others in the area, licensed for similar activities
- The occupancy figures of existing premises in the area concerned,
- The operational hours of existing licensed premises in the area concerned,
- The nature of licensed activities in the area,
- Whether the proposed premises will be a direct replacement for others in the area no longer licensed,
- Whether conditions would be effective in addressing the issue of cumulative impact.

Appendix D

3.11 Reviews of premises licence/club premises certificate

3.11.1 General

Any interested party/responsible authority may request a review of the premises licence. Any request must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Requests for review must be made in accordance with the regulatory requirements.

The Licensing Authority will disregard any representations considered repetitive, frivolous or vexatious.

The Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves the:

- Underage purchase and consumption of alcohol
- Continuous breaches or contraventions licence conditions
- Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
- Where serious risks to children have been identified
- Not operating the premises according to the agreed operating schedule
- Use of licensed premises for the sale and distribution of illegal drugs/firearms
- Where the police are frequently called to attend incidents of disorder

When dealing with premises brought to a review, the licensing authority will adopt the yellow card/red card system promoted by the Government. The intention is that problem premises will be identified at an early stage and enforcement agencies will be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children, causing other crime problems or causing noise nuisance.

As a first review hearing, responsible authorities will be encouraged to propose a package of new conditions to be added to the licence designed to combat the identified problem. This package will be supplemented where appropriate by:

- Removal of the designated premises supervisor,
- Suspension of the licence for up to 3 months,
- Restriction on trading hours
- A clear warning that a further review will give rise to a presumption of revocation.

The aim of the review is to put the premises on probation, putting them on notice that further breaches will mean a second intervention where revocation of the licence will be considered.

Appendix D

The licensing authority retain the right to revoke the licence at the first review hearing where they feel that such action is necessary to promote the licensing objectives.

3.11.2 Underage sales

The Licensing Authority is concerned about the availability of alcohol to persons under the age of 18 within the area. Aside from the obvious health problems, and the enhanced chances of teenage pregnancy, the community suffers from anti social behaviour caused by excessive consumption of alcohol by young people. In order to reduce the risk of underage sales in premises, staff training will be an essential part of the preventative measures licence holders will be expected to take. Details of training recommended by the Licensing Authority can be found at 3.2.

The Licensing Committee will view very seriously premises reviewed due to under age sales and although each review application will be determined on its own merits, licence holders will be expected to explain how the sales took place, and what measures have been put in place to minimise the risk of such sales taking place again.

3.11.3 Reviews in connection with crime

Where reviews are brought in connection with crime not directly connected to licensable activities, the local authority's role is not to determine the guilt or innocence of any individual. The Secretary of State's guidance issued under section 182 Licensing Act 2003 reminds the local authority that its role is to ensure that the crime prevention objective is promoted.

Where a review follows a conviction, the licensing authority will not go behind the findings of the Court instead the conviction will be treated as undisputed evidence.

The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

PART 4

Temporary Event Notices

One-off events where fewer than 500 people will be present at any one time will, not normally be required to be subject of a premises licence. Instead organisers may serve a temporary event notice to the Police and Licensing Authority. One temporary event may cover a period of up to 96 hours.

A personal licence holder may serve up to 50 Temporary Event Notices a year; otherwise the limit is 5 per year. No more than 12 temporary event notices covering not more than 15 days may be submitted in respect of any one premises per calendar year.

Only the police may make representations on the grounds of crime and disorder. If such a representation is received, a hearing will be held and if the panel are satisfied that the event would undermine the crime and disorder objective, they may issue a counter notice to prevent licensable activities taking place at the event. There is the right of appeal against the issue of a counter notice to the Magistrates' Court.

A Temporary Event Notice must be served on the police and licensing authority not less than 10 working days before the event is due to take place. The licensing authority does however recommend that a minimum of 28 days notice be given to allow for sufficient time to resolve issues in the event that the Police make representations. If the minimum notice of 10 working days is given, and representations result in a counter notice being issued, it is unlikely that there would be sufficient time for an appeal to be heard by the Magistrates' Court.

The Licensing Authority will advise other responsible authorities of temporary event notices served so that they may address any issues of concern under their own regulatory powers.

PART 5

Policy review

This policy takes effect on 7th January 2011 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation/

The Council is required to review its licensing policy statement every three years and in doing so will take into account the views of:

- Lancashire Constabulary
- Lancashire Fire and Rescue Service
- Holders of premises licences and club premises certificates
- Local businesses, residents and representatives of these bodies.

It may however, review the policy at any time within those three years should it consider it appropriate to do so.

A process of on-going review will be incorporated into the business of the Licensing Committee.

Any amendments to the Act, Regulations of Guidance from the Secretary of State will be scrutinised as part of the review process.

Any changes to the policy will be the subject of the consultation process described in the Secretary of State's Guidance.

Appendix D

Appendix A – Delegation of powers

The following table sets out the delegated functions. Any reference to the Head of Legal and Democratic Services should be read as including exercise of that power by the Principal Solicitor (Licensing)

Matter to be dealt with	Full Committee/Panel	Officer Delegation
Application for personal licence	If a police representation made	If no police representation made
Application for premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a provisional statement	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application to vary premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a minor variation		All cases
Application to vary Designated Premises Supervisor	If a police representation made (and not withdrawn)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application to transfer premises licence	If a police representation made (and not withdrawn)	All other cases
Application for interim authority	If a police representation made (and not withdrawn)	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to make a representation when Local Authority is a consultee and not the lead authority		Head of Quality Standards– all cases
Determination of a police representation in respect of a Temporary Event Notice	All cases	

Appendix B **Measures to promote the Licensing Objectives**

The Licensing Authority recognises that licence holders know their own premises and customers better than anyone else and because of this they are in the best position to know how the licensing objectives can be met.

This Appendix provides guidance on matters that could be taken into account when formulating an operating schedule. This list is not exhaustive and there is no requirement for applicants to address each and every issue in the operating schedule, although, the licensing authority would expect an applicant to address all relevant issues.

Applicants should be aware that if the operating schedule fails to sufficiently address the licensing objectives, the application is likely to attract representations, which could lead to the licensing authority refusing to grant the licence, modifying the licensable activities, or imposing conditions of its own to ensure that the Licensing Objectives are met.

Applicants are reminded that measures contained in the operating schedule should be both practicable and achievable. If the application is granted these measures will be converted into licence conditions – failure to comply with licence conditions is a criminal offence, and may result in a review of the licence.

Prevention of Crime and Disorder – Guiding Principles

The council will consider the content of any application with respect to the following matters:

- 1) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action particularly in relation to the use of the premises for:
 - a) The sale and distribution of Controlled Drugs and the laundering of the proceeds of drugs crime;
 - b) The sale and distribution of illegal firearms;
 - c) The evasion of copyright in respect of pirated films and music;
 - d) The under-age purchase and consumption of alcohol;
 - e) Prostitution or for the sale of unlawful pornography;
 - f) Use by organised groups of paedophiles to groom children;
 - g) The base for the organisation of criminal activity;
 - h) The organisation of racist activity or the promotion of racist attacks;
 - i) Unlawful gaming, gambling and betting;
 - j) The sale of smuggled tobacco and alcohol.

- 2) The measures the applicant has taken or proposes to take to prevent:
 - a) Underage drinking

Appendix D

- b) Drunkenness on premises
- c) Smoking on premises
- d) Use/Supply of drugs
- e) Violent behaviour
- f) Anti-social behaviour

For example

- Entry and search procedures
 - Demonstration of a positive commitment to cooperation with the Licensing Authority and the Police
 - Good, adequate and useful CCTV which is continually monitored and the recordings are retained for 28 days
 - The employment of specified numbers of registered door supervisors for security duties
 - The use of plastic bottles and glasses
 - Effective communications by means of text or radio pagers or other means to enable instant contact with local police, CCTV Monitoring Room or between licensed premises in a locality to warn of situations of disorder or potential disorder.
 - Alcohol sales will end before the premises themselves are closed to aid gradual dispersal
 - Not taking part in heavily 'discounted drinking' promotions.
 - Displaying information, for example, encouraging only responsible drinking, and the risks of drink driving and promoting the benefits of designating a driver for the evening.
 - Reducing the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks and making free water available at all bars.
 - Staff training
 - Good external lighting
 - A commitment to fully support and participate in the "Nightsafe" scheme (an initiative to combat crime and disorder associated with the late night entertainment sector) see leaflet
- 3) The likelihood of any violence, public disorder or policing problems arising if a licence was granted.
- 4) The outcomes of consultations held by the applicant, in respect of their application and submitted operating schedule, with Lancashire Constabulary including any recommendations made by the Constabulary.

The Protection of Public Safety – Guiding Principles

The council will consider the content of any application with respect to the following matters:

Appendix D

- a) The condition, design and layout of the premises, including the means of escape in case of fire and the means of access for emergency service vehicles and personnel
- b) The nature of the activities to be provided, in particular the sale or supply of alcohol and including whether those activities are of a temporary or permanent nature
- c) The number of people that can safely be accommodated at the premises; having regard, in particular, to floor area and means of escape and crowd management
- d) The anticipated customer profile (e.g. age, disability etc)

Appendix D

- e) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc
- f) The number of people employed or engaged to secure the safety of everyone attending the premises or event
- g) The measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
- h) The means by which public and staff are to be protected from excessive noise
- i) Arrangements to ensure that litter, or refuse generated by the activity of premises, does not create a fire hazard
- j) Implementation of appropriate crowd management measures
- k) An undertaking not to erect 'A' boards or similar obstructions on the footway
- l) The means by which the number of persons to be permitted to resort to the premises has been determined and the measures to be employed to ensure that the determined number will not be exceeded.

It is anticipated that the Responsible Authority will wish to examine such certificates as may be necessary to ensure the safety of the premises. These may include:

- a) Electrical inspection report certificate
- b) Fire alarm test inspection report
- c) Emergency lighting inspection and test report
- d) Fire-fighting equipment
- e) Flame retardant properties of materials certificate (new premises or new upholstery)
- f) Gas safety certificate
- g) Ceiling certificate in the case of cinemas

Appendix D

The Prevention of Public Nuisance – Guiding Principles

The council will consider the content of any application with respect to the following matters:

- 1) The adequacy of measures proposed to deal with the **potential for nuisance** and in particular, the steps taken by, or proposals of the applicant to prevent:
 - a) Noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices.
 - b) Disturbance from light arising from security devices, flood lighting, advertising lighting or any special effect lighting.
 - c) Noxious fumes causing nuisance to occupants of nearby premises or land.
 - d) Disturbance by patrons arriving at, or leaving the premises, or in the vicinity of the premises.
 - e) Queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
 - f) Disturbance by patrons using the outside areas for the consumption of alcohol and/or smoking
 - g) Build up of litter, particularly associated with takeaway premises.

For example

- 'Last admission time' policy and proposals to assist with the orderly dispersal of customers from the premises.
- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air-conditioning.
- Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
- Installing soundproofing measures to contain sound and vibration.
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Improving the availability of licensed taxis or private-hire cars to take patrons from the premises for example by allowing access to parking areas or permitting the installation of 'free phones'.

Appendix D

- ❑ In appropriate cases door staff monitoring nearby streets (through CCTV if necessary) to assess for themselves whether there is a problem associated with the licensed premises and how best to deal with it.
- ❑ Refusing entry to the premises of people who regularly leave in a noisy manner.
- ❑ The supervision of any queues formed at the premises late in the evening so as to keep noise and disturbance to a minimum
- ❑ Recruiting SIA (Security Industry Authority) licensed door supervision staff from a reputable company

Protection of Children – Guiding Principles

The adequacy of measures proposed to protect children from harm and in Particular, the steps taken by, or proposals of the applicant to protect children:

- a) Where there have been convictions of the current staff at the premises for serving alcohol to minors, or premises with a reputation for under age drinking.
 - b) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - c) Where there is a known association with drug taking or dealing.
 - d) Where there is a strong element of gambling on the premises (e.g. jackpot machines).
 - e) Where entertainment or services of an adult or sexual nature are commonly provided.
 - f) Where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
 - g) Where children are employed without a work permit issued by Blackpool Council
- 1) The council will consider the content of any application with respect to the following matters:
- a) The arrangements to prevent children acquiring or consuming alcohol and the use of 'proof of age' checks by staff
 - b) The steps to prevent children being exposed to drugs, drug taking or drug dealing
 - c) The arrangements to prevent children being exposed to gambling

Appendix D

- d) The measures to prevent children being exposed to activities of an adult or sexual nature
- e) The measures to prevent children being exposed to incidents of violence or disorder
- f) The steps to prevent children purchasing cigarettes from vending machines
- g) The training arrangements relating to protecting children from harm
- h) The means to ensure that any persons employed on the licensed premises to supervise children are suitable
- i) In premises where there are AWP (Amusement with Prizes) machines, the measures to prevent access by children. For example all machines could be located within sight of the bar staff

For example

- Limitation of hours when children may be present
 - Imposing minimum age limits for admission
 - Limitations or exclusion when certain activities are taking place
 - Requirements for accompanying adults
 - Full exclusion of under 18's from the premises when licensable activities are taking place
- 2) The cinema industry provides a valuable resource for children's entertainment. The Authority will seek to protect children attending exhibition of films and expects an intention to operate to the age restriction of the British Board of Film Classification, (BBFC) to be included in the operating schedule and to be observed by the licence holder
 - 3) It is expected that any arrangements to exhibit specialist films, which have not been classified by the BBFC should be specified in the operating schedules.
 - 4) The operating schedule for any premises where performances or entertainments are provided specifically for children should specify arrangements for their safety and in particular for their access and egress, and where children are present at an event as entertainers then arrangements should be included in the operating schedule which describe appropriate adult supervision.
 - 5) The Authority will apply appropriate controls up to and including revocation of licences whenever children are exposed to actual or potential harm. In

Appendix D

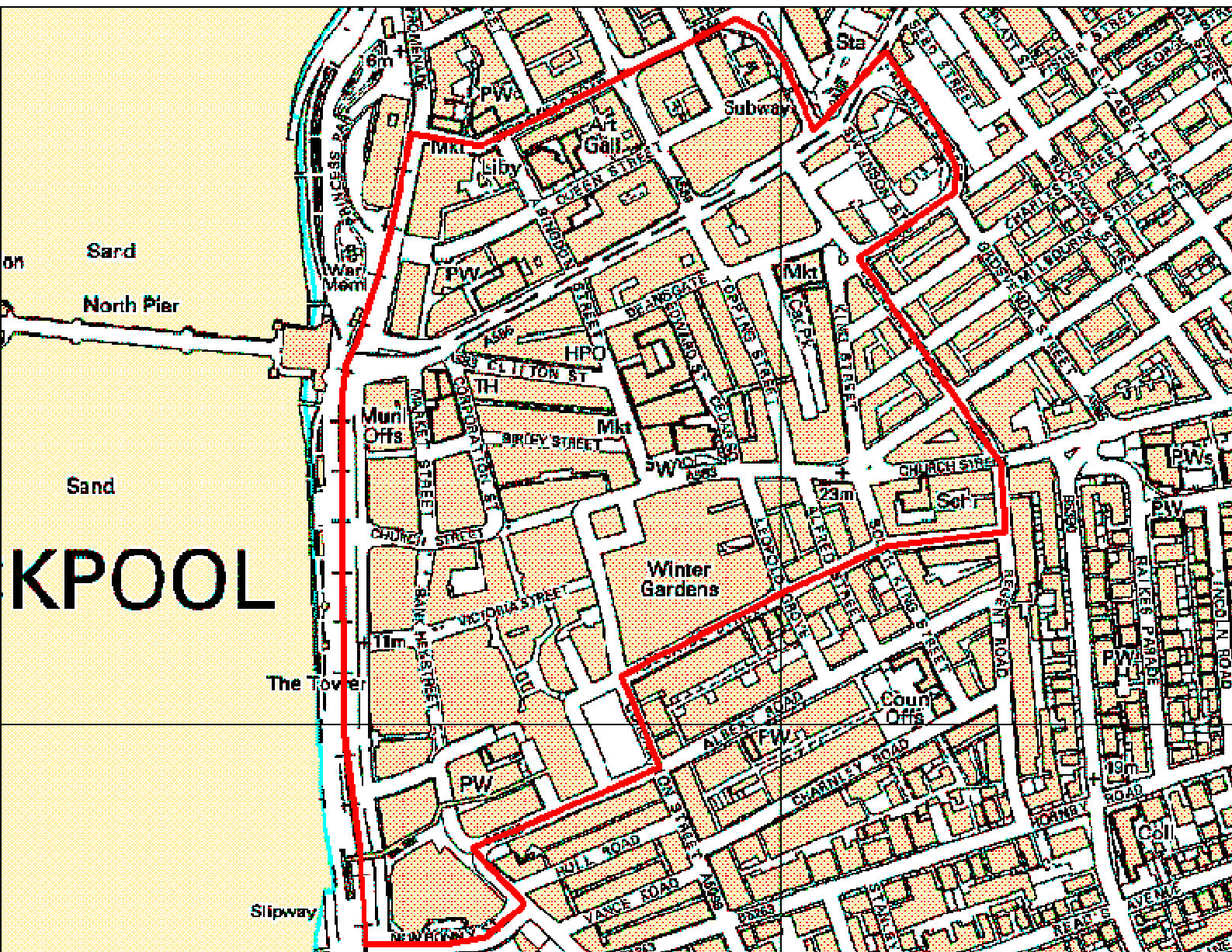
particular the Authority will regulate the admission of children to premises, which are known to be associated with drug taking or dealing.

6) Premises providing entertainment of an adult or sexual nature are not considered a suitable venue for the admission of children except when they are being used for other purposes and there is no evidence of the adult or sexual entertainment displayed

Appendix D

Appendix C

Area covered by cumulative impact policy



Appendix D

Appendix D Film Classification Guidelines

The British Board of Film Classification (BBFC) sets down the following basic principles:

1. Adults should be free to choose what they see, providing that it remains within the law and is not potentially harmful to society;
2. Works should be allowed to reach the widest audience that is appropriate for their theme and treatment; and
3. The context in which something (e.g. sex or violence) is presented is central to the question of its acceptability

U – Universal

It is impossible to predict what might upset any particular child. A “U” film should be suitable for audiences aged four years and over. U films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

Discrimination

No discriminatory language or behaviour unless clearly disapproved of.

Drugs

No references to illegal drugs or drug misuse unless they are infrequent and innocuous or there is a clear educational purpose or anti-drug message suitable for young children.

Horror

Scary sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring

Imitable behaviour

No potentially dangerous behaviour which young children are likely to copy. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use of only very mild bad language

Nudity

Occasional natural nudity, with no sexual context

Sex

Mild sexual behaviour (e.g. kissing) and references only (e.g. to “making love”)

Theme

While problematic themes may be present, their treatment must be sensitive and appropriate for young children

Violence

Mild violence only. Occasional mild threat or menace only

Appendix D

PG – Parental Guidance

General viewing but some scenes may be unsuitable for young children.

Unaccompanied children of any age may watch. A “PG” film should not disturb a child aged around eight or older. However parents are advised to consider whether the content may upset younger or more sensitive children.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context. Discrimination by a character with which children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Horror

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy. No glamorisation of realistic or easily accessible weapons.

Language

Mild bad language only.

Nudity

Natural nudity, with no sexual context

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Theme

Where more serious issues are featured (for example domestic violence) nothing in their treatment should condone unacceptable behaviour

Violence

Moderate violence without detail, may be allowed, if justified by its context (e.g. history, comedy or fantasy).

Appendix D

12A

Suitable for 12 years and over. No-one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Films classified as 12A are not recommended for children below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances responsibility for allowing a child under 12 to view lies with the accompanying adult.

Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Any misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Horror

Moderate physical and psychological threat may be permitted, provided disturbing sequences are not frequent or sustained.

Imitable behaviour

Dangerous behaviour (for example hanging, suicide and self-harming) should not dwell on detail which could be copied or appear pain or harm free. Easily accessible weapons should not be glamorised.

Language

Moderate language is allowed The use of strong language (for example, "fuck") must be infrequent.

Nudity

Nudity is allowed, but in a sexual context must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Sex references should not go beyond what is suitable for young teenagers. Frequent crude references are unlikely to be acceptable.

Theme

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Violence

Moderate violence is allowed but should not dwell on detail. There should be no emphasis on injuries or blood but occasional gory moments may be permitted if justified by the context. Sexual violence may only be implied or briefly and discreetly indicated, and must have a strong contextual justification.

Appendix D

15

Suitable only for 15 years and over.

Discrimination

The work as a whole must not endorse discriminatory language or abuse.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse. The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Horror

Strong threat and menace are permitted unless sadistic or sexualised.

Imitable behaviour

Dangerous behaviour (for example hanging, suicide and self-harming) should not dwell on detail which could be copied. Easily accessible weapons should not be glamorised.

Language

There may be frequent use of strong language (for example “fuck”). The strongest terms (for example “cunt”) may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable.

Nudity

Nudity may be allowed in a sexual context but without strong detail. There are no constraints on nudity in a non-sexual or educational context.

Sex

Sexual activity may be portrayed but without strong detail. There may be strong verbal references to sexual behaviour.

Theme

No theme is prohibited, provided the treatment is appropriate to 15 year olds.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic or sexualised violence is unlikely to be acceptable. There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification.

Appendix D

18

Suitable only for adults

In line with the consistent findings of the BBFC's public consultations and the Human Rights Act 1998, at 18 the BBFC's guideline concerns will not normally override the principle that adults should be free to choose their own entertainment, within the law. Exceptions are most likely in the following areas:

- Where the material is in breach of the criminal law, or has been created through the commission of a criminal offence.
- Where material or treatment appears to the BBFC to risk harm to individuals or through their behaviour to society – e.g. any detailed portrayal of violent or dangerous acts or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sexual or sexualised violence which might, for example, eroticise or endorse sexual assault.
- Where there are more explicit images of sexual activity which cannot be justified by context. Such images may be appropriate in "R18" works, and in "sex works" (see below) and would normally be confined to that category.

In the case of video works (including video games) which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at '18'

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safer sex and health, explicit images of sexual activity may be permitted.

Sex works at '18'

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. Material which is unacceptable in a sex work at 'R18' is also unacceptable in a sex work at '18'