

COUNCIL – 26TH JUNE 2017

Report of the Licensing Committee

Part A

ITEM 6.1 REVIEW OF THE STATEMENT OF LICENSING POLICY

Purpose of Report

To consider a revised Statement of Licensing Policy made under the Licensing Act 2003 following consideration by the Licensing Committee and public consultation.

Recommendation

That the Statement of Licensing Policy made under the Licensing Act 2003, set out in Annex A to this report, be approved and adopted.

Reason

To ensure that the Council has an up to date Statement of Licensing Policy to adhere to which sets out the Council's policy in respect of liquor licensing, including confirming proposed changes to the boundary of the Loughborough Cumulative Impact Zone, that meets the licensing objectives and complies with the requirements of the Licensing Act 2003.

Policy Justification and Previous Decisions

A role of the Licensing Committee is to make recommendations in respect of the Council's Statement of Licensing Policy made under the Licensing Act 2003 prior to submission to Full Council for approval.

At its meeting on 18th April 2017, the Licensing Committee considered a report of the Head of Regulatory Services seeking approval for a draft Statement of Licensing Policy that would be the subject of consultation prior to submission to Full Council.

The following extract from the minutes of that meeting details the consideration and decisions of the Committee:

23. REVIEW OF THE STATEMENT OF LICENSING POLICY AND THE SPECIAL POLICY ON CUMULATIVE IMPACT (INCLUDED WITHIN THE LICENSING ACT 2003 POLICY)

A report of the Head of Regulatory Services was submitted seeking approval for a draft Statement of Licensing Policy, made in accordance with the Licensing Act 2003, for consultation prior to submission to Full Council for approval (item 5 on the agenda filed with these minutes).

The Head of Regulatory Services and the Licensing Manager attended the meeting to assist the Committee with consideration of the report. The Licensing Manager

advised the Committee of subsequent changes due to a correction and Government legislation that had come into effect after the report had been written. In particular an amendment to section 1.1 which should have stated that the policy would last for 5 years instead of 3, and amendments regarding the introduction of the Immigration Act 2016. These included checking that individuals have the right to work in the UK and adding the Home Office as a Responsible Authority in relation to the new immigration controls for licensed premises. With the consent of the Committee, PC Mike Green of Leicestershire Police addressed the Committee on the matter of the Special Policy on Cumulative Impact.

RESOLVED

1. that the draft Statement of Licensing Policy, made under the Licensing Act 2003 and attached at appendix 1 to the report of the Head of Regulatory Services, be approved for consultation subject to the following amendments:

-) changing the length of the policy from 3 to 5 years in section 1.1*
-) the inclusion of information regarding the Immigration Act 2016 at sections 2.2, 6.3 and 14.2*
-) and that the Head of Regulatory Services be given delegated authority to finalise the wording of the amendments;*

2. that the continuation of the Special Policy on Cumulative Impact contained within the draft Statement of Licensing Policy be approved subject to the revised boundaries to the Cumulative Impact Zone shown in appendix 4 to the report of the Head of Regulatory Services, and that consultation on the Special Policy and the boundaries of the Cumulative Impact Zone be undertaken alongside that on the Statement of Licensing Policy;

3. that, subject to resolutions 1. and 2. above and following the consultation, the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the Statement of Licensing Policy including to the boundary of the Cumulative Impact Zone, in consultation with the Chair of the Licensing Committee, and to submit the final version of the Policy to Full Council.

Reasons

1. To set out the Council's policy in respect of liquor licensing that meets the licensing objectives and to comply with the requirements of the Licensing Act 2003.

2. To set out the Council's policy in respect of liquor licensing that meets the licensing objectives, to comply with the requirements of the Licensing Act 2003 and to propose amendments to proposed changes to the boundary of the Cumulative Impact Zone following a report from Leicestershire Police.

3. To ensure that minor changes can be made to the Statement of Licensing Policy, and enable submission to Full Council in an efficient manner if only minor changes are required.

The Statement of Licensing Policy submitted to the Council for approval is attached at Annex A. This version of the Statement of Licensing Policy incorporates the changes that have been made to the draft Statement following its consideration by the Licensing Committee. These changes are described in Part B of this report.

Implementation Timetable including Future Decisions

Once agreed by Council, the new Statement of Licensing Policy will come into immediate effect.

Report Implications

The following implications have been identified for this report.

Financial Implications

None.

Risk Management

No specific risks have been identified in relation to this decision.

Equality and Diversity

An Equality Impact Assessment has been undertaken (attached at Annex C) and no significant issues that needed addressing were identified.

Background Papers: [Licensing Committee 18th April 2017 – item 5](#)
Government Guidance issued under Section 182 of the
Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s182-of-licensing-act-2003>

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Part B

Background

1. Under the terms of the Licensing Act 2003, the Council is required to carry out a review of its Statement of Licensing Policy, which is used to determine all applications made under the terms of the Act, every five years.
2. The Statement of Licensing Policy was last reviewed, and amendments adopted, by Full Council on 25th June 2012 (minute 17.1 2012/13 refers). A new Statement must therefore be consulted upon and approved by Full Council.

Changes to the Draft Revised Statement of Licensing Policy Following Consideration by the Licensing Committee

3. A report was submitted to the Licensing Committee on 18th April 2017 setting out a draft revised Statement of Licensing Policy. At its meeting the Licensing Committee approved the draft revised Statement of Licensing Policy for consultation subject to certain modifications set out in the minute from the meeting which is reproduced in Part A above. Prior to the public consultation, the changes made by the Licensing Committee were incorporated. These were:
 -) changing the length of the Policy from 3 to 5 years in section 1.1
 -) the inclusion of information regarding the Immigration Act 2016 at Sections 2.2, 6.3 and 14.2.
4. A number of other amendments were made to the policy prior to the consultation in order to incorporate other legislative changes. These were set out in the consultation letter, dated 2nd May 2017, sent out to all consultees. This letter is attached at Annex B.
5. The consultation period for the Statement of Licensing Policy commenced on 2nd May 2017 and closed on 30th May 2017. During the consultation process, the following bodies were consulted:
 -) the Responsible Authorities (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Pollution, Trading Standards, Public Health, and the Home Secretary)
 -) Business and residents .e.g. relevant residents groups
 -) Local Councillors
 -) British Beer and Pub Association
 -) Pub Watch
 -) Solicitors
 -) Premises Licence Holders
 -) Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area)
 -) Premises Licence Holders of Late Night Refreshment premises in the CIZ area.

-) Personal Licence Holders
-) Club Premises Certificate holders.

The consultation was also featured on the Council's website.

6. Two responses were received within the consultation period, both from Leicestershire Police, one from the Licensing Manager and one from the Loughborough Central Dedicated Neighbourhood Team.
7. The Police Licensing Manager made a number of comments. The comments and how they were addressed are set out below:

-) At point 3.3 of the draft policy the Police were described as Constabulary. He advised that this was no longer the case and they are known as Leicestershire Police.

The policy has been amended accordingly.

-) At 3.5, the seventh bullet point down read 'confiscation of alcohol'. It was requested that this be changes to: 'Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public place and gives Police a power to confiscate alcohol from adults and children in designated areas.'

The relevant bullet point at paragraph 3.5 has been amended to include the suggested phrase.

-) The eighth bullet point down in 3.5 referred to Police powers to close premises. The draft policy stated the Police have powers to close instantly for up to 24 hours. The comment received was that 'a closure notice of 48 hours can be issued by the Council or Police without going to court, where there is nuisance to the public or disorder near to the premises'.

This section has been amended to include the following statement (taken from, the Government's Guidance) 'police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a Temporary Event Notice (TEN) has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance'.

-) The Police Licensing Manager questioned the use of the word 'significantly' at point 4.2 of the draft policy. The Government's Guidance just uses the phrase 'unlikely to add'.

The word significantly has been removed.

-) The draft policy had been amended prior to the consultation at paragraph 4.5 to advise that the special policy would be reviewed

along with that of the Statement of Licensing Act. This was a mistake and should have read the Statement of Licensing Policy.

) This has now been rectified.

) The Police Licensing Manager queried that there was no mention at point 14 of the draft policy of the new powers given to local authorities to be able to revoke or suspend personal licences.

An additional paragraph has been added to point 14 of the policy.

) The Police Manager referred to paragraph 15.2 of the draft policy in respect of late TENs and asked that the word 'exceptional' should be removed. Removing the word 'exceptional' meant the existing sentence no longer read correctly.

The old paragraph has been removed at 15.2 and replaced with a new one giving additional information.

8. The Loughborough Central Dedicated Neighbourhood Team Sergeant made a number of comments. The comments and how they were addressed are set out below:

) Paragraph 7.1 of the draft policy referred to CCTV installed and maintained on the advice of the Leicestershire Police Crime Prevention Officer. It was felt that it was not necessary to mention the Crime Prevention Officer as there was only one within Leicestershire Police.

This sentence has been removed.

) Paragraph 7.2 referred to a large part of the Town Centre being covered by a 'street drinking ban'. This is actually an area which is covered by the Designated Public Place Order (DPPO - soon to be replaced by the Public Spaces Protection Order (PSPO)). The DPPO is not a 'street drinking ban'.

The words 'street drinking ban' have been replaced to read 'Public Spaces Protection Order (PSPO). This is an area where there is a power for the Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence.'

) Paragraph 7.7 of the draft policy referred to 'text pagers'; this should now read Retail Radio.

Paragraph updated and amended accordingly.

) Paragraph 11.2 of the draft policy referred to Charnwood Crime and Disorder Reduction Partnership Strategy. The terminology has now changed and it is known as the Community Safety Partnership.

Paragraph 11.3 amended accordingly.

Annexes

Annex A – Revised Statement of Licensing Policy

Annex B – Consultation Letter

Annex C – Equality Impact Assessment



Licensing Act 2003

Statement of Licensing Policy

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Charnwood Borough Council

Statement of Licensing Policy

1 Introduction

Purpose

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

It will also:

-) be used as a guide by members of the Licensing Authority in their decision making ;
-) inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
-) inform residents and businesses about how applications will be viewed and how their needs will be addressed;
-) be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

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

Consultation

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

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

Licensable Activities

1.3 The licensable activities are:

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

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

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

1.4 Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that take place between **08:00- 23:00** on any day:

-) a performance of a play in the presence of any audience of no more than 500 people;
-) an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free stylewrestling
-) most performances of dance in the presence of any audience of no more than 500 people; and
-) live music, where the live music comprises;
 - ⌈ a performance of unamplified live music
 - ⌈ a performance of live amplified music in a workplace with an audience of no more than 500 people; or

2)a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.

-) Recorded music, where recorded music comprises;
- Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
 - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
 - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated Entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

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

2 Fundamental Principles

Background

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

2.2 Immigration Act 2016

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

The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

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

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

2.3 Entitlement to Work

Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only.

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

2.4 The Licensing Objectives

The licensing authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

-) the prevention of crime and disorder;
-) public safety;
-) the prevention of public nuisance; and
-) the protection of children from harm.

2.5 **Balance**

The licensing authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

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

Relevancy

- 2.7 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.

- 2.8 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

3 Cumulative Impact

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

- 3.3 The Licensing Authority has received a representation from the Leicestershire Police that the circumstances described above exist in relation to parts of Loughborough's Town Centre, and that the grant of further premises licences or club premises certificates would undermine the crime prevention objective.
- 3.4 In response to this representation the Licensing Authority has:
-) Considered evidence about the extent of the problem of crime and disorder;
 -) Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre;
 -) Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre;
 -) Considered the outcome of that consultation; and
 -) Resolved to declare the special policy described in Section 4 below.
- 3.5 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:
-) planning controls;
 -) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 -) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 -) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 -) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 -) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 -) a Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and gives the police a power to confiscate alcohol from adults and children in designated areas;
 -) A closure notice of up to 48 hours, can be issued by the Council or Police without going to Court, where there is nuisance to the public or disorder near to the premises;
 -) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

4 Special Policy on Cumulative Impact

- 4.1 The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre:
-) bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
 -) Including both sides of the streets bounding the area;
 -) Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.
- 4.2 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its merit. Licences that are unlikely to add to the problems of saturation would be approved.
- 4.3 The effect of the special policy will be to create a rebuttable presumption that application for new premises licences or club premises certificates, or material variations will normally be refused. However, applications will only be refused where valid representations maintaining that it is necessary to refuse the application for the promotion of the prevention of crime and disorder and referring to information which had been before the licensing authority when it developed its statement of licensing policy have been received.
- 4.4 When consideration is given to whether to refuse an application because of the special policy, it will be for an applicant to lay the necessary evidence that the granting of the licence would not add to the cumulative impact already being experienced. The authority acknowledges that the impact will be different for premises with different styles and characteristics
- 4.5 The authority will review the special policy in line with that of the Statement of Licensing Policy and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.
- 4.6 The special policy will not be used to:
-) remove a licence when representations are received about problems with an existing licensed premises; or to
 -) justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
 -) adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

5 Licensing Hours

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

6 Promotion of the Licensing Objectives

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

Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

- 6.2 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will

enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

-) Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
-) Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Council’s Environmental Health Officers with responsibility for Health & Safety
-) Public Nuisance – the Borough Council’s Environmental Health Officers with responsibility for Pollution Control
-) Protection of Children from Harm – Leicester Area Child Protection Committee, Leicestershire Police and Leicestershire Trading Standards, Leicestershire Public Health.

6.3 Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will take into account the information set out below, on steps to promote the licensing objectives, when undertaking the functions identified in Paragraph 6.1 above.

7 The Prevention of Crime and Disorder

7.1 CCTV

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

7.2 Open Containers of Alcohol

A significant part of the town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

7.3 **Irresponsible Drinks Promotions**

The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.

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

7.5 **Dance Venues**

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

7.6 **Other Steps to Promote the Prevention of Crime and Disorder**

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

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

8 Public Safety

Premises Licensed for Regulated Entertainment

- 8.1 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of

compliance that promotes public safety.

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

9 The Prevention of Public Nuisance

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

10 The Protection of Children from Harm

General

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

The following areas would give rise to particular concern in respect of children:

-) Where entertainment or services of an adult or sexual nature are commonly provided;
-) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
-) Where there has been an association with drug taking or dealing.
-) Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).

10.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

10.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

-) Limitations on the hours where children may be present;
-) Age limitations (below 18);
-) Limitations or exclusions when certain activities are taking place;
-) Limitations on the parts of premises to which children might be given access;
-) Requirements for an accompanying adult;
-) In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

Children and Cinemas

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

Children and Public Entertainment

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

Proof of Age Cards

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

11 Integrating strategies

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

Crime Reduction Partnership

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

Planning

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

terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution.

Cultural Strategy

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

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

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

Building Control

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

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

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

Promotion of Equality

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

11.16 The Licensing Authority also recognises that this policy should

promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

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

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

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

Disabled Access

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

Transport

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

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

takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.

- 11.22 A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.
- 11.23 Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

12 Duplication

- 12.1 The authority will avoid duplication with other regulatory regimes (eg the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.
- 12.2 Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

13 Standardised Conditions

- 13.1 The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.
- 13.2 However, to aid administration attached to this statement, but not forming part of it, at Appendix 1, are pools of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.
- 13.3 A number of conditions are mandatory and are required to be applied to licences.

Mandatory Conditions.

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

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

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

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

Mandatory Conditions also refer to:-

Permitted price of alcohol
Age verification Policy
Irresponsible promotions
No drinking games (encouraging people to drink too much or within specific time limits).
Free potable water
Measures of alcoholic drink
Exhibition of films
Door Supervision

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

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

Mandatory Conditions also refer to:-

Permitted price of alcohol
Age verification Policy

14 Personal Licences

14.1 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003,

with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.

- 14.2 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 14.3 In order to carry out this duty, from April 6 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity.
- 14.4 In order to discharge this duty, from 6th April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and require applicants to submit copies of one of the documents listed in Appendix 3.
- 14.5 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.

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

- 14.6 Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.
- 14.7 When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear

statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

- 14.8 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

15 Temporary Event Notices (TENs)

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

16 Enforcement

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

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

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

18 Wholesale of alcohol

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

19 Delegation of Functions

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

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

20 Period of Validity & Review

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

POOL OF MODEL CONDITIONS
LICENSING ACT 2003

Mandatory conditions**1 Mandatory conditions where licence authorises supply of alcohol**

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

3 Mandatory condition: door supervision

(1) 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.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

- (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Crime and Disorder

4 Text/Radio Pagers.

The Licensee will join the Pubwatch scheme operating in the area and will ensure that

- The text/pager equipment is kept in working order at all times
- The pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public
- Any police instructions/directions are complied with whenever given, and
- All instances of crime and disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point

5 Door Supervisors.

Where the condition is imposed on the provision of door supervisors the following may also be applied depending upon the circumstances affecting the premise

- (a) The Licensee will employ sufficient registered door staff to deal with any likely contingency.
- (b) Any employed door staff will wear a name badge as identification.
- (c) Each door supervisor will carry proof of his/her registration with the Security Industry Authority.
- (d) Door supervisors will be stationed at a location either inside or outside the premises and at times to be determined by the licensee as being appropriate but the Licensing Authority would expect such staff to be provided.
- (e) If Door supervisors are required to undertake body searches then at least one female supervisor should be available to undertake the body searches of female customers.

- (f) Where door supervisors are required the Licensee will keep records showing the names of the supervisor and the date/time that they were employed.

6 Bottle bans

The licensee will ensure that:

- (a) No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
- (b) No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**Note:** this will not include those customers carrying sealed bottles for the purposes of consumption off the premises).

An exception to these conditions will be bottles containing wine sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

7 Plastic containers and toughened glass

The licensee will ensure that only plastic or toughened glass containers will be used for the supply of beverages.

8 CCTV

The licensee will ensure that CCTV is installed following advice from the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice.

9 Open containers not be taken from premises

The licensee will ensure that no customers shall take glasses or open bottles from the premises.

10 Restrictions on drinking areas

The licensee will ensure that no alcoholic drinks will be consumed in the area marked (in red) on the plan (numbered.....) whilst activity is taking place.

11 Proof of age cards

The licensee shall introduce a policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 18. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

12 Crime prevention notices

The licensee will ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and leaving property unattended. The licensee will be directed over the provision of such notices by the Police crime prevention officer.

13 Drinks promotions

The licensee will not introduce or carry on any irresponsible sales promotion or discounting of prices of alcoholic beverages.

14 Signage

The licensee will ensure that:

- (a) A sign indicating the normal hours during licensable activities are permitted to take place to be displayed on or immediately outside the premises.
- (b) Any restrictions of the admission of children to be displayed on or immediately outside the premises.

15 High Volume Vertical Drinking establishments (HVVD's)

The licensee will ensure the adherence to

- A prescribed capacity
- An appropriate ratio of tables and chairs to customers based on the capacity
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit

16 Drugs

The licensee will adopt the Leicestershire Constabulary's drugs policy.

17 Trading Late

The licensee will adopt the Leicestershire Constabulary's searching policy and conditions of entry.

The licensee will adopt the Leicestershire Constabulary's risk assessment policy in respect of events.

Conditions relating to public safety (including fire safety)

18 Disabled people

The licensee will ensure that

- (a) When disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency.
- (b) Disabled people on the premises are made aware of those arrangements.

19 Escape routes

The licensee will ensure the proper maintenance of all escape routes and exits including external exits. This will require that such exits are kept unobstructed, in good order with non slippery and even surfaces, free of trip` hazards and clearly identified. In premises where chairs and tables are provided all internal gangways must be kept unobstructed.

The licensee will ensure that

- (a) All exit doors are easily openable without the use of a key, card, code or similar means.
- (b) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of such checks are kept.
- (c) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- (d) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
- (e) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (f) The edges of the treads of steps and stairways are maintained so as to be conspicuous.

20 Safety checks

The licensee will ensure

- (a) That safety checks are carried out before the admission of the public.
- (b) Details of such checks are kept in a log book.

21 Curtains, hangings, decorations and upholstery

The licensee will ensure that

- (a) Hangings, curtains and temporary decorations are maintained in a flame retardant condition.
- (b) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990.
- (c) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
- (d) Temporary decorations are not used without a review of the Fire risk assessment and prior notification to the Licensing Authority.

22 Accommodation limits

The licensee will ensure that any capacity limit imposed under this licence/certificate is not exceeded.

The person responsible for the day to day management of the premises should be aware of the number of people on those premises and required to inform any authorised person on request.

23 Fire action notices

The licensee will ensure that notices detailing the actions to be taken in the event of fire or other emergencies including how the fire brigade are summoned are prominently displayed and protected from damage and deterioration.

24 Outbreaks of fire

The licensee will ensure that the Fire Brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

25 Loss of water

The licensee will ensure that the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

26 Access for emergency vehicles

The licensee will ensure that access for emergency vehicles is kept clear and free from obstruction.

27 First aid

The licensee will ensure that

- (a) Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- (b) If necessary, at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

28 Lighting

The licensee will ensure that

- (a) In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- (b) Fire safety signs are adequately illuminated.
- (c) Emergency lighting is not altered.
- (d) Emergency lighting batteries are fully charged before the admission of public, members or guests.
- (e) In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being recharged; and, if the emergency lighting battery has a capacity of 3 hours, the appropriate period by the end of which the public should have left the premises is one hour.

29 Temporary electrical installations

The licensee will ensure that

- (a) Temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician.
- (b) Temporary electrical wiring and distribution system shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- (c) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

30 Indoor sports entertainments

The licensee will ensure that

- (a) If necessary, an appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- (b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant.
- (c) At any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- (d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

31 Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to the public safety in question.

32 Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience and performers and staff.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers

- Explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the licensing authority.

Conditions relating to theatres, cinemas, concert halls and similar places (promotion of public safety)

Premises used for closely seated audiences

33 Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below.

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-100	1
101-250	2
251-500	3
501-750	4
751-1000	5
And one additional attendant for each additional 250 (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

34 Standing and sitting in gangways

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstance shall anyone be permitted to
- (i) Sit in any gangway
 - (ii) Stand or sit in front of any exit, or
 - (iii) Stand or sit on any staircase including any landings

35 Drinks

Except as authorised by the premises licence or the club premises certificate, no drink shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

36 Balcony fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

37 Special effects

Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE guide “the radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products)
- Explosives and highly flammable substances

In certain circumstances it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] fire authority.

38 Scenery

Any scenery should be maintained as being flame retardant.

39 Safety curtain

Where a safety curtain is provided it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for some sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material inherently or durably treated flame retardant fabric.

40 Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide whether a further inspection would be necessary and a certificate concerning the conditions of the ceilings forwarded to the Licensing Authority.

41 Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

Premises used for film exhibitions

42 Attendance – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof).	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

43 Attendance – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	2	1
501-1000	3	2
1001-1500	4	4
1501 or more	5 plus one for every 500 (or part thereof) persons over 2000 on the premises	5 plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) The holder of the premises licence or the manager on duty at the premises or
 - (ii) A member of staff whose normal duties or responsibilities are likely to significantly effect or delay his response in an emergency situation
 - (iii) A member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall, as far as reasonably practicable, be evenly distributed throughout all parts of the premises to which the public have access and keep under observations all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

44 Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the stands specified in BS CP1007(maintained lighting for cinemas).

45 Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Conditions relating to prevention of public nuisance

46 Hours

- (a) Any appropriate restrictions on opening hours
- (b) Any appropriate restrictions when certain licensable activities can take place
- (c) Any appropriate restrictions on parts of the premises that might be used for certain licensable activities at certain times.

47 Noise

- (a) Noise impact assessment of the licensed activities at the premises must be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.
- (b) The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

For example

Activity	Control
<i>Playing of amplified, pre-recorded music</i>	<i>Music shall only be played in the main function suite and shall go on no later than 23.30</i>

- (i) A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. Once set such a device should be inaccessible to the licensee or her staff.
- (ii) All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place. Ventilation or air conditioning may be required in warm weather.
- (iii) The [*doors / windows*] at [*specify*] shall be fitted with [*double /secondary*] glazing in order to improve the sound attenuation of the premises.
- (iv) No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.
- (vi) A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
- (vii) A scheme of soundproofing the [*relevant parts*] of the premises must be agreed with the licensing authority and the work completed to the licensing authorities satisfaction.

(viii) [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the licensing authority.

(ix) An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.

(x) The specification, location and orientation of all permanently fixed speakers shall be agreed with the licensing authority.

(xi) No fireworks or other pyrotechnics shall be used other than with the prior consent of the licensing authority.

(xii) Noise from the premises shall not result in exceedences of the following noise levels expressed as [*x minute Laeq*] at [*stated location*];

Frequency Range	From a hours to b hours	From y hours to z hours
[<i>Whole range</i>]	<i>x dBA</i>	<i>y dBA</i>
[<i>63Hz octave band</i>]	<i>x dBA</i>	<i>y dBA</i>
[<i>125 Hz octave band</i>]	<i>x dBA</i>	<i>y dBA</i>

(xiii) Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting customers to respect the needs of local residents and leave the premises and the area quietly.

(xiv) The [*garden / patio*] must not be used by customers after the hours of xx.xx.

(xv) The car park must be securely locked to prevent access to customers cars between xx.xx and yy.yy. Larger car parks to be managed to prevent disturbance particularly when they are adjacent to residential premises.

(xvi) Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between xx.xx and yy.yy

(xvii) Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between xx.xx and yy.yy.

(xviii) Staff must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

(xix) The licensee or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

(xx) No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.

(xxi) The [*car park/ garden*] shall be managed to ensure that it is not used for [*ball games /skateboarding/ other noisy recreational activities*].

(xxii) Acoustic screens/enclosures to be used to prevent the spread of noise from equipment.

(xxiii) External plant to be properly maintained to prevent mechanical deterioration.

48 Litter and Waste

An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority.

Such collections should also be carried out at reasonable hours of the day.

The licensee shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

49 Lighting

Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the local Police force to prevent crime and disorder.

50 Noxious smells

The licensee shall endeavour to ensure that there are no noxious smells emitted from the licensed premise so as to cause a nuisance to nearby properties and that the licensed premise is properly vented.

Conditions relating to the protection of children from harm

Access for children to licensed premises – in general

51 Children under the age of 18 years shall not be permitted to licensed premises where there has been a known association (having been presented with evidence) with or likely to give rise to:

Heavy or binge or under age drinking
Drugs
Significant gambling

Any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature

- 52 No child under the age of 12 shall be allowed in a premise unaccompanied by an adult after 11.00pm in the evening in cases where that premise, is not serving alcohol for consumption on the premises, but where the public are allowed on that premises after that time.

Age restrictions – specific

- 53 The hours of the day during which age restrictions should and should not apply.
- 54 Types of event or activity in respect of which no age restrictions may be needed
- 55 Types of event or activity which give rise to a more acute need for age restrictions than normal.

Age restrictions – cinemas

- 56 Films should be classified in the following way:

U – Universal. Suitable for audiences age 4 years and over.

PG – Parental Guidance. Some scenes may be unsuitable for young children.

12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 – Passed only for viewing by persons aged 15 years and over.

18 – Passed only for viewing by persons aged 18 years and over.

- 57 The licensee must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

Theatres – performances especially for children

- 58 An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

In cases of an event involving a significant number of unaccompanied children, the licensee should have a child protection policy in place to carry out suitable checks on staff before they take up employment.

Children in performances

59 In addition to the requirements of the Children (Performances) Regulations 1968, as amended the licensee shall ensure that with regard to the:-

venue – the back stage facility should be large enough to accommodate safely the number of children taking part in any performance.

Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.

Special effects – it may be inappropriate to use certain special effects including smoke, dry ice, rapid pulsating or flashing lights which may trigger adverse reactions especially in the case of children

Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment, it is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room or anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group: practice on the naming, packaging and promotion of alcoholic drinks

The Portman Group was set up in 1989 by the UK's leading drinks producers and its purpose is

- To promote responsible drinking
- To help prevent misuse of alcohol
- To encourage responsible marketing
- To foster a balanced understanding of alcohol related issues.

60 The licensee shall comply with the Portman Group's retailer alert bulletins.

For more information of such Bulletins access the Portman Group's website on www.portman-group.org.uk/codeofpractice/63.asp or contact the Group on 020 7907 3700 or by writing to the Portman Group, 7-10 Chandos Street, London, W16 9DG.

MANDATORY CONDITIONS

Mandatory Conditions applicable to all Premises Licences & Club Premises Certificates under the Licensing Act 2003

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section “Children” - means persons aged under 18; and “Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door Supervision

7. 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, that licence must include a condition that each such individual must:
 - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
 - (b) Be entitled to carry out activity by virtue of section 4 of the Act.

8. But nothing in subsection (1) requires such a condition to be imposed:
- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or
 - (b) In respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
9. For the purposes of this section:
- (a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.
 - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age Verification

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

Permitted Price

13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
14. For the purpose of this condition set out in paragraph 1:
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where:

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

16.(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic Drink Measures

20. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Immigration Act 2016- Entitlement to Work Identification Documentation

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity .
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.

- A **current** Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity. **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

evidence of the applicant's own identity – such as a passport,

evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:

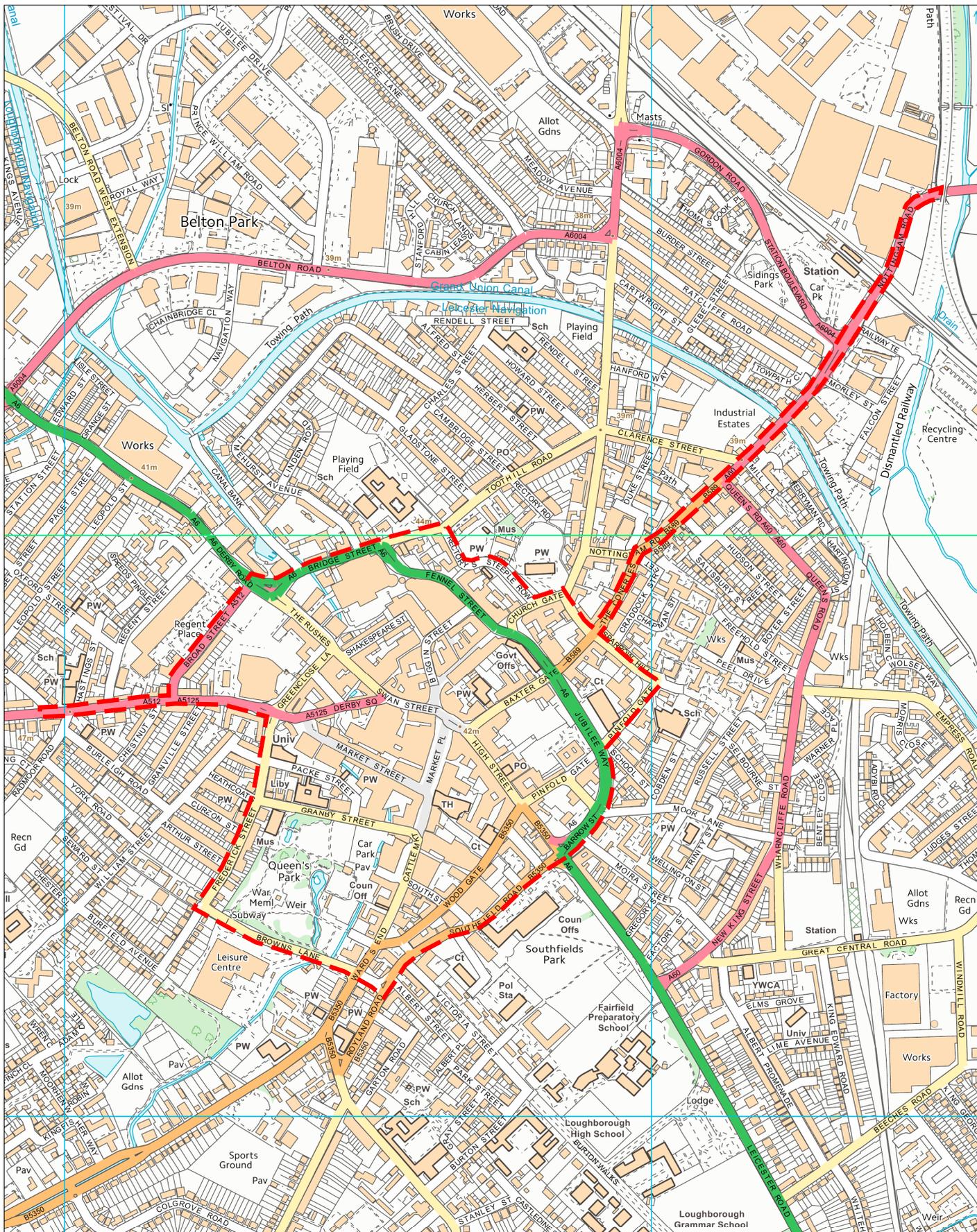
- a) working e.g. employment contract, wage slips, letter from the employer,
- b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
- d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities.

If the document copied is a passport, a copy of the following pages should be provided:-
 any page containing the holder's personal details including nationality;
 any page containing the holder's photograph;
 any page containing the holder's signature;
 any page containing the date of expiry; and
 any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided



— — Loughborough Saturation Zone

Charnwood Borough Council
 Council Offices
 Southfield Road
 Loughborough
 Leicestershire
 LE11 2TX

www.charnwood.gov.uk



Scale: 1:9000
 Date: 08-06-2017 Time: 09:26:51

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To all Consultees of the new Statement of Licensing Policy 2003.

Southfield Road, Loughborough,
Leicestershire. LE11 2TT

Ask for: Licensing

Direct Line: 01509 634562

Email: licensing@charnwood.gov.uk

2nd May 2017

Dear Sir/Madam

Licensing Act 2003 – Review of the Statement of Licensing Policy 2017

Charnwood Borough Council is undertaking a review of their Statement of Licensing Policy in accordance with the Licensing Act 2003, where the Authority has the duty to review their Licensing Policy at least every five years.

As an organisation or individual that is likely, at some point, to have come into contact with Charnwood Borough Council, or who has previously been consulted, in relation to the Licensing Act 2003, I am writing to seek your views and comments on the draft document.

The Licensing Policy sets out how Charnwood Borough Council intends to promote the licensing objectives pursuant to Section 5 of the Licensing Act 2003. In the preparation and publication of this licensing statement, the Council has had regard to the guidance issued by the Home Secretary, Home Office, under Section 182 of the 2003 Act.

Changes to the previous policy include:-

- The Government extended the period of the Licensing Policy to be reviewed by the local authority every five years instead of three years.
- Note has been taken of revised guidance issued by the government under section 182 of the Licensing Act 2003, updated April 2017.
- Public Health has been added as a Responsible Authority which means they can consider licensing applications and if they feel that one or more of the licensable activities will be undermined, they can object to the application.
- The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6th April 2017 and introduced immigration safeguards in respect of licensing applications. Premises licences to sell alcohol or provide late night refreshment and personal licences, cannot be issued to an individual who does not have permission to be in the UK or is not entitled to undertake work relating to the



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carrying on of a licensable activity. Applicants need to provide certain identification documents to verify their entitlement to work in the UK. A list of acceptable documents can be found at Appendix 3 within the new draft policy.

- The Home Secretary (in practice Home Office (Immigration Enforcement)) is added as a Responsible Authority, in respect of the Immigration Act 2016 to consider premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications under the Crime and Disorder Licensing Objective. This permits the Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.
- Several activities are no longer deemed to be regulated entertainment; such as certain live music, recorded music, dance and indoor sport.
- The scope of mandatory conditions to Premises Licences and Club Premises Certificates has widened to include permitted price of alcohol, irresponsible promotions, age verification policy, availability of alcohol in specific measurements, availability of free potable water, dispensing alcohol directly into the mouth, conditions relating to exhibition of films and conditions relating to door supervision. These are to be attached at Appendix 2 of the new draft policy.
- Proposed changes to the existing Cumulative Impact (saturation) Zone to include expanding the boundary from Pinfold Gate to Jubilee Way. Maps of the current and proposed cumulative impact (Saturation) Zone are attached at Appendix 4 and Appendix 4(b).
- Advice in respect of businesses which sell alcohol (for example, retailers of alcohol and trade buyers) and that they will need to ensure that the UK wholesalers they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS).

The DRAFT revision of the Statement of Licensing Policy and all Appendices 1 to 4(b). can be accessed on http://www.charnwood.gov.uk/pages/licence_alcohol_and_entertainment

Hard copies are available from the Customer Service Centre, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TR.

If you have any comments please submit them in writing to the Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX by 4.00 pm on Tuesday 30th May.

Yours faithfully,

Grace Dowson,
Licensing Manager

Charnwood Borough Council

Equality Impact Assessment 'Knowing the needs of your customers and employees'

■ Background

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

■ Legislation- Equality Duty

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to:

- ✓ Eliminate discrimination, harassment and victimisation
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex (Gender)
9. Sexual orientation

What is prohibited?

1. Direct Discrimination
2. Indirect Discrimination
3. Harassment
4. Victimisation
5. Discrimination by association
6. Discrimination by perception
7. Pregnancy and maternity discrimination
8. Discrimination arising from disability
9. Failing to make reasonable adjustments

Note: Complete the action plan as you go through the questions

■ **Step 1 – Introductory information**

Title of the policy	Statement of Licensing Policy
Name of lead officer and others undertaking this assessment	Grace Dowson, Licensing Manager
Date EIA started	March 2017
Date EIA completed	March 2017

■ **Step 2 – Overview of policy/function being assessed:**

Outline: What is the purpose of this policy? (Specify aims and objectives)
Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003 . The policy sets out the general approach to make licensing decisions whilst remaining consistent with provisions of the Licensing Act 2003 .
What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?
The policy statement acts as the main vehicle for setting out the Licensing authorities approach to regulation. It aims to control operators of licensed premises within the local area to help protect the community, i.e. children and relevant vulnerable groups, and to guide those Operators as to how the Council wishes them to run their premises. The licensing objectives are set out in the Act and are: <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm
Which groups have been consulted as part of the creation or review of the policy?
On reviewing the Statement of Licensing Policy, the Council consults with all existing licensees, local responsible authorities under the Act such as the Police, and persons/bodies representing the interests of people likely to be affected by the Policy.

■ **Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

The previous Statement of Licensing Policy was approved by the Council in June 2012 for a 5 year period. The Licensing Service has issued relevant Licences, undertaken enforcement checks and responded to complaints during this period. No significant risks have been identified which will impact on the development of this new Policy Statement.

What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The current Licensing Database system is being updated and will be used to monitor relevant complaints regarding Licensed Premises. This will include any specific complaints made by relevant vulnerable groups.

■ **Step 4 – Do we need to seek the views of others? If so, who?**

In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

No further consultation required.

■ **Step 5 – Assessing the impact**

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any 'protected characteristics' and provide an explanation for your decision (please refer to the general duties on the front page).

	Comments
Age	Positive impact as there are limitations on the age when a person can enter licensed premises and the policy has elements for the protection of children and young persons. Rules and regulations are clearly communicated to all licensees through the policy and advice is readily available to the public and the licensees. All licensees are required to include an operating schedule to show elements they would put into place to promote the Licensing Objective.
Disability (Physical, visual, hearing, learning disabilities, mental health)	Responsible and transparent licensing policies, both for the premises licensed and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups.
Gender Reassignment (Transgender)	No Impacts identified/ Neutral Impact

Race	No Impacts identified/ Neutral Impact
Religion or Belief (Includes no belief)	No Impacts identified/ Neutral Impact
Sex (Gender)	No Impacts identified/ Neutral Impact
Sexual Orientation	No Impacts identified/ Neutral Impact
Other protected groups (Pregnancy & maternity, marriage & civil partnership)	No Impacts identified/ Neutral Impact
Other socially excluded groups (carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee communities etc.)	Responsible and transparent licensing policies, both for the premises and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups, i.e. those overly intoxicated.

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination. Please note: a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately. b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.
Not relevant- no negative impact or potential barriers identified.
Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page). The proposed Statement of Licensing Policy, to be issued under the Licensing Act 2003, will outline how Charnwood will implement the relevant provisions for the Licensing of premises within the Borough. This is in line with the national Guidance issued under Section 182 of the Licensing Act 2003, which is designed to promote the four statutory licensing objectives. With relevant enforcement and monitoring this will assist in the protection of the four Licensing Objectives and will be in line with the Council's Equality & Diversity responsibilities.

Step 6- Monitoring, evaluation and review

Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?
The Statement of Licensing Policy is used as the basis for the licensing of premises within the local area covered by Charnwood Borough Council and compliance visits will be carried out where complaints are or where advice is required.
How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.
The Licensing Committee of the Council are provided with a 6 monthly update report on the work undertaken by the Licensing Service, which will include the number of Premises Licences approved, complaints received and also the risk based enforcement inspections undertaken at Licensed Premises, which are the responsibility of the Council.

■ **Step 7- Action Plan**

Please include any identified concerns/actions/issues in this action plan: The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan			
Reference Number	Action	Responsible Officer	Target Date
1	Continue to monitor relevant complaints regarding Licensed Premises, via the Licesing Database System, including any specific complaints made by relevant vulnerable groups.	Grace Dowson	Ongoing

■ **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
Employees	✓	The revised Statement of Licensing Policy and this EIA will be published on the Councils website for information and transparency.
Service users	✓	
Partners and stakeholders	✓	
Others	✓	
To ensure ease of access, what other communication needs/concerns are there?		

■ **Step 9- Conclusion (to be completed and signed by the [Service Head](#))**

Please delete as appropriate
I agree / disagree with this assessment / action plan
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales:
Signed (Service Head):
Date: 3 rd April 2017

[Please send completed & signed assessment to Suzanne Kinder for publishing.](#)