

LICENSING COMMITTEE – 18TH APRIL 2017

Report of the Head of Regulatory Services

Part A

ITEM 5 REVIEW OF THE STATEMENT OF LICENSING POLICY AND THE SPECIAL POLICY ON CUMULATIVE IMPACT (INCLUDED WITHIN THE LICENSING ACT 2003 POLICY)

Purpose of Report

To seek approval for the draft Statement of Licensing Policy, attached at Appendix 1, made in accordance with the Licensing Act 2003, for consultation prior to submission to Full Council for approval.

Recommendations

- 1 That the draft Statement of Licensing Policy, made under the Licensing Act 2003 and attached at Appendix 1, be approved for consultation.
- 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 follow) 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 recommendations 1 and 2 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, 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.

Policy Justification and Previous Decisions

The current Statement of Licensing Policy was approved in June 2012 by the Full Council.

A Special Policy on Cumulative Impact was approved and included within the original Licensing Policy, in 2005. Under the Licensing Act 2003, the Council in its role as a Licensing Authority, may consider introducing saturation policies (known under the guidance to local authorities as Cumulative Impact Policies), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives (crime and disorder, noise / nuisance, public safety and harm to children).

Implementation Timetable including Future Decisions

The draft Statement of Licensing Policy is being submitted to the Licensing Committee and once approved will be circulated to responsible authorities, representatives of the trade, businesses and residents for their comments.

A copy of the draft Statement of Licensing Policy will be available on the Council's website and within the Customer Service Centre.

The guidance issued by the Government under Section 182 of the Licensing Act 2003 states that the draft Statement of Licensing Policy should be circulated to the Chief Officer of Police, the Fire and Rescue Authority and Director of Public Health for the area, representatives of local premises licence holders, club premises certificate holders, personal licence holders and businesses and residents in its area.

The Licensing Section will circulate the draft Policy to:

- 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

Any comments from the consultation will be considered by the Licensing Section and the Head of Regulatory Services. If only minor amendments are required as a result of the responses to the consultation, recommendation 3 seeks delegated authority for the Head of Regulatory Services to make those changes, in consultation with the Chair of

the Committee, prior to submitting the final Policy to the meeting of Full Council scheduled for 26th June 2017.

If significant changes are required to the draft Statement of Licensing Policy then an additional Licensing Committee will be organised to enable the Committee to consider the consultation responses and changes to the Policy prior to its submission to Full Council.

Report Implications

Risk Management

No specific risks have been identified with the decisions the Committee is being asked to make.

Financial Implications

There are no financial implications associated with this report, other than those of consultation with licence holders/interested parties which can be accommodated within existing budgets.

Equality and Diversity

An Equality Impact Assessment has been undertaken (attached at Appendix 5) and no significant new issues have been found that need incorporating into the existing assessment.

Background Papers: Government Guidance issued under Section 182 of the Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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Part B

1.0 Background

- 1.1 The current Statement of Licensing Policy was last reviewed in 2012. Since 2012 there have been changes to the legislation which have an effect on the Policy and need to be reflected in the revised version to be adopted from June 2017. These changes are the introduction of the the Live Music Act 2012, the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015. The mandatory conditions included in every licence and/or Club Premises Certificate are provided by the 2003 Act, and these were amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014. It is proposed to include these mandatory conditions as an Appendix to the Policy.
- 1.2 The Council's Statement of Licensing Policy 2012 to 2017 includes a Special Policy on Cumulative Impact which covers areas of Loughborough town centre. Cumulative Impact is defined as the "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area." (Section 13.20 of the Government Guidance) The effect of the special policy is to create a rebuttable presumption that applications for new premises or material variations will normally be refused if relevant representations are received.
- 1.3 The current Licensing Policy, states the area of the Special Policy on Cumulative Impact as below:
- bounded by Pinfold Gate, Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, and High Street
 - 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.
- 1.4 In seeking to review the Special Policy on Cumulative Impact, an anomaly has been identified, which is that on the original area Regent Street was not included within the listed area but shown on the map included on the Council Web Site.
- 1.5 A special policy should be reviewed regularly to assess whether it is needed or if any revisions are required. Prior to the review of the Statement of Licensing Policy in 2017, the Police and other responsible authorities have been contacted to seek evidence to justify the retention of the Special Policy on Cumulative Impact and the area covered by it.

2.0 Review of the Special Policy on Cumulative Impact

2.1 There must be an evidential basis for the decision to introduce and maintain a cumulative impact zone. Information that licensing authorities can use to demonstrate the cumulative impact of the licensed premises on the promotion of the licensing objectives include:

- local crime and disorder statistics
- statistics on local anti-social behaviour offences
- health related statistics such as alcohol related emergency attendances and hospital admissions
- environmental health complaints, particularly in relation to litter and noise
- complaints recorded by the local authority, which may include complaints raised by local residents or residents associations.

2.2 Leicestershire Police have provided a report entitled 'Cumulative Impact Zone Report 2017' which seeks to provide evidence to justify the retention of part of the existing cumulative impact zone. This is attached at Appendix 3.

2.3 The boundaries of the original cumulative impact zone were approved by Council in 2005, based on patterns of crime and disorder prior to that date. The report produced by Leicestershire police in respect of the 2017 review, propose minor amendments to the existing boundaries to reflect current patterns of crime and disorder in Loughborough Town Centre.

2.4 The Police also propose a change to the current Cumulative Impact Zone, which is to extend the town centre Area from Pinfold Way to Jubilee Way (shown at Appendix 4 – to follow).

3.0 Supplementary Information

3.1 The opinions of Public Health and Environmental Protection have been sought as to whether the Special Policy on the Cumulative Impact Zone should be retained.

3.1.1. *Comments from Public Health*

Evidence demonstrates that the Cumulative Impact Zone has contributed to the significant reduction in alcohol related harm within Loughborough Town Centre. Public Health would be concerned that the removal of such a cost effective tool could reverse this trend. This would place increasing pressure on our health and social care services which are already stretched and would result in poorer outcomes for our local communities. For this reason we are strongly in favour of retaining the Cumulative Impact Zone.

3.1.2 *Comments from Charnwood Borough Council Environmental Protection.*

The Environmental Protection Team has been in receipt of periodic complaints regarding entertainment noise from town centre pubs and clubs affecting

residents. Because of the potential distance between the potential sources of noise and the dwellings being affected, determining the specific premises of concern has proved a lengthy and complicated process. Investigations suggest that a number of town centre premises have been responsible, some of which have closed whilst others have opened. Given the continuously changing circumstances, the existence of a Cumulative Impact Zone is an incredibly useful tool to better manage noise from licensed town centre premises. The Environmental Protection Team therefore wholly supports the retention of the Cumulative Impact Zone.

3.1.3 Additional considerations

The current Special Policy Area includes an extension along Ashby Road to its junction with Storer Road and Nottingham Road to the entrance to the Falcon Works. The Responsible Authorities have not provided evidence to support the continuation of these areas. However, as part of the consultation process Residents Associations and other interested parties will be contacted for their comments and provision of supporting evidence if these areas are to remain included.

4.0 Changes in Legislation

The Licensing Section is aware that there are changes to the Licensing Act 2003 expected in April 2017, such as the Immigration Act 2017, which seeks to ensure that all applicants seeking a premises licence permitting the sale of alcohol or late night refreshment is entitled to work in the UK. The Licensing Section is still awaiting guidance on this and will give an update on this at the meeting.

5.0 Conclusion

- 5.1 The Licensing Committee is asked to approve the draft Statement of Licensing Policy, for consultation, prior to formal submission to Council on 26th June 2017 and that following the consultation the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the Statement of Licensing Policy, in consultation with the Chair of the Licensing Committee. Any major objections to the draft Statement of Licensing Policy will be referred back to the Licensing Committee for consideration prior to submission to the Full Council.

Appendices

1. Draft Statement of Licensing Policy
2. Current Boundary of Saturation Zone (to follow)
3. Cumulative Impact Zone Report 2017 – Submitted by Leicestershire Police
4. Proposed Revised Boundary of Saturation Zone (to follow)
5. Equality Impact Assessment

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 Licensing Act 2003, during the next three years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

It will also:

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

This Policy is normally in place for three years. However, there is consultation nationally on potential changes to the licensing regime and it is likely that adoption of changes by Government to the current regime will require an early review of this Policy.

Consultation

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

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

Licensable Activities

1.3 The licensable activities are:

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

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

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

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

- *a performance of a play in the presence of any audience of no more than 500 people;*
- *an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling*
- *most performances of dance in the presence of any audience of no more than 500 people; and*
- *live music, where the live music comprises;*
 - *a performance of unamplified live music*
 - *a performance of live amplified music in a workplace with an audience of no more than 500 people; or*
 - *a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people,*

provided that a number of conditions are satisfied.

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.

The Licensing Objectives

2.2 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.

Balance

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

2.4 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where

provision has been made for them to do so in the Licensing Act 2003.

Relevancy

- 2.5 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 2.6 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 Constabulary 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;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

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 Pinfold Gate, Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, and High Street
- 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 significantly 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 every 12 months 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 premises is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 5.2 It is 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.

6.2 Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority 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.

6.3 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards
- 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
- A guide on how to write an operating schedule to meet the requirements of the responsible authorities is available from the Licensing Authority or can be downloaded from the Licensing Authority's web-site at:
[http://www.Charnwood.gov.uk/licensing/guidance booklet](http://www.Charnwood.gov.uk/licensing/guidance%20booklet)

6.4 Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. 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

CCTV

- 7.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in town centre pubs and clubs and town centre late night refreshment premises. The CCTV should be installed and maintained on the advice of the Leicestershire Police Crime Prevention Officer.

Open Containers of Alcohol

- 7.2 A significant part of the town centre is the subject of a street drinking ban. To support this, the Licensing Authority considers it appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

Irresponsible Drinks Promotions

- 7.3 The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.
- 7.4 Determining whether a drinks promotion is irresponsible or not will require a subjective 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.

Dance Venues

- 7.5 The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the "*Safer Clubbing Guide*" published by the Government http://www.csdp.org/research/safer_clubbing_txt.pdf
- 7.6 The local authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provide dance facilities. Other pubs and clubs, depending on circumstances, may also benefit from these steps:
- Adoption of the Borough Council's policy on preventing drugs misuse
 - Searching of customers before entry in accordance with the

Leicestershire Constabulary Code of Practice on *Searching and Licensed Premises*. This will be aimed at preventing drugs and offensive weapons being brought into premises.

- Making drinking water freely available at drinking fountains, or in freely available plastic containers, to help prevent dehydration and overheating.

Other Steps to Promote the Prevention of Crime and Disorder

7.7 There is a wide range of other steps which may be appropriate 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 text pagers 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.

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

- 10.9 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

11 Integrating strategies

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

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 Crime & Disorder 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 efficiency. 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 Premises licence applications will not be approved where there is a conflict between the permission being sought and the planning consent relating to the premises. Where planning permission is being sought, a licence application will not be approved until the necessary planning permissions have been received. Any planning consideration should therefore be resolved first.

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 squares 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 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.
 - Multi-language sections will be included in all leaflets and on the website.
 - 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 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.
- 14.2 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.
- 14.3 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.
- 14.4 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

15 Temporary Event Notices

- 15.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police *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 that any of the four licensing objectives would be undermined*.

- 15.2 *“Late” notices may be submitted, between 9 and 5 days prior to the event, but the guidance issued under Section 182 of the Licensing Act 2003 makes it clear that they should only be given where there are exceptional circumstances, for example where a venue has to be changed at short notice.*
- 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 Delegation of Functions

18.1 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.

18.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence;
- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated personal licence holder;
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

18.3 The Licensing Manager will determine all other matters.

18.4 There is a “Minor Variation” process now in force, which is designed to speed up variation applications. There is clear guidance as to what constitutes a “minor variation” contained on the website.

18.5 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.

19 Period of Validity & Review

- 19.1 This statement of licensing policy will come into force on January 2011 and be valid for three years.
- 19.2 The policy will be kept under review during the period of validity and if necessary amendments made.
- 19.3 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.

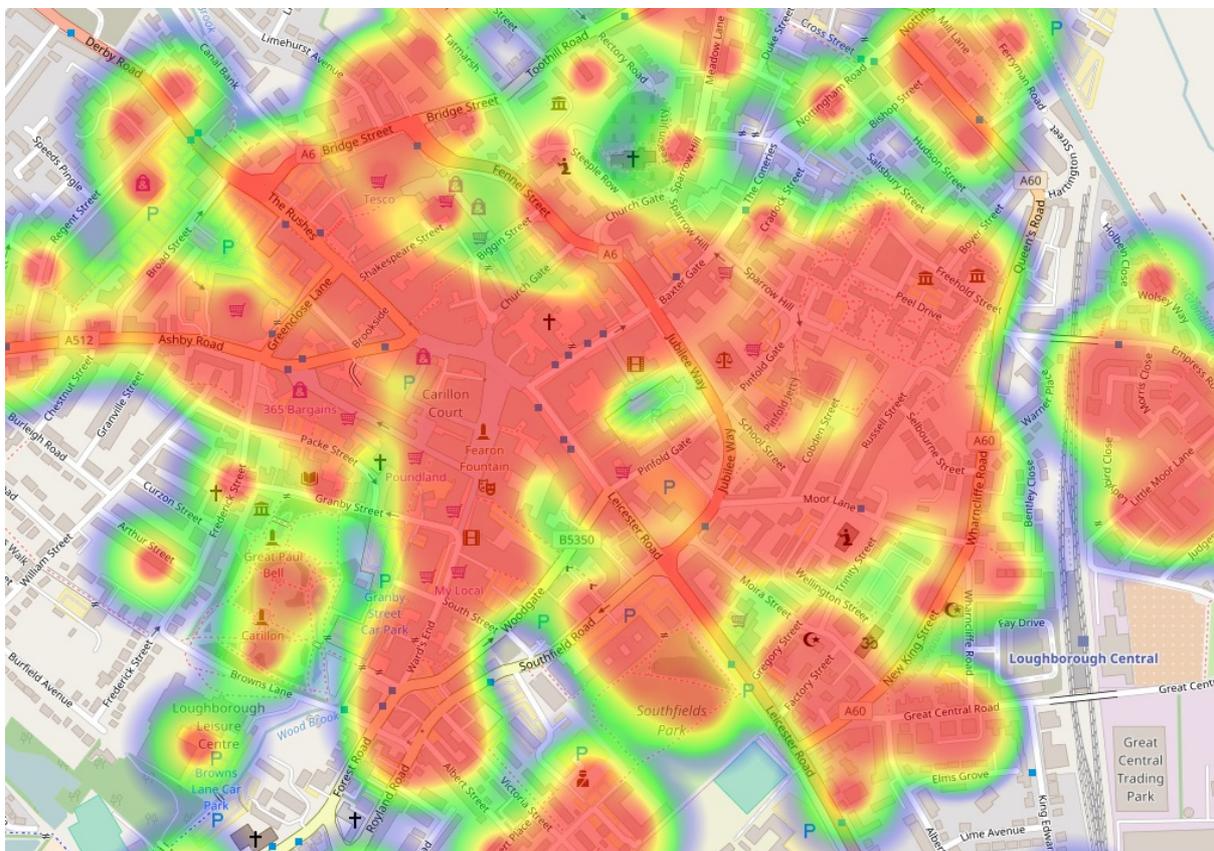
Cumulative Impact Zone Report 2017

PC 1845 Mike Green

The purpose of this report is to present crime data regarding violent offences in Loughborough during 2016, for the specific purpose of reviewing the current Cumulative Impact Zone.

I have considered the evidence that was produced by Leicestershire County Council in 2004 and have sought to provide a similar standard of evidence.

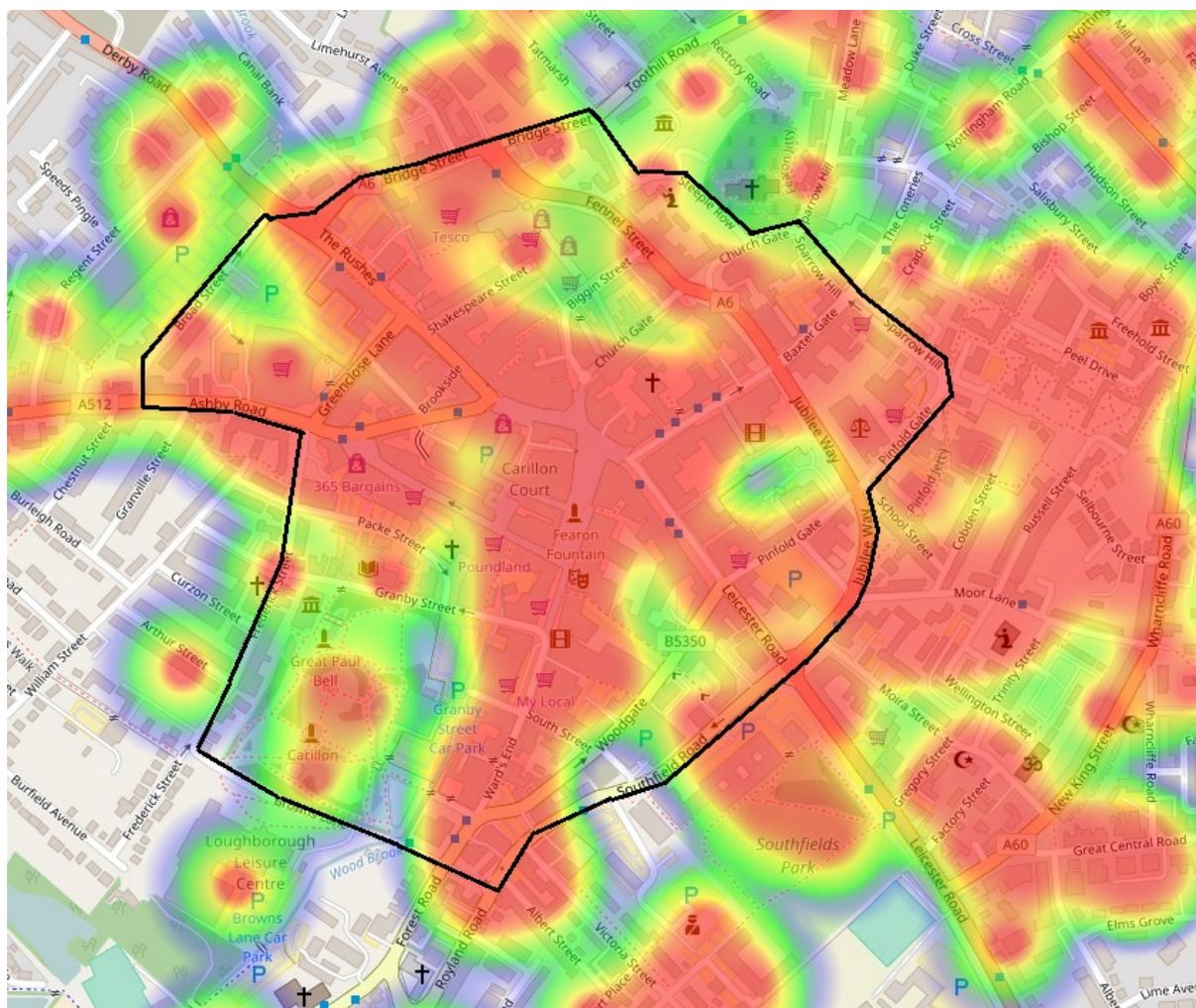
Firstly, I used a police database called G-Maps to provide a heat map of violent crime in Loughborough. The search criteria were violent crime, drunk and disorderly and public order offences in 2016. I overlapped the heat map from each search result to produce the following:



Clearly, there is a concentration of violent crime around Loughborough town centre and certain housing areas to the east. If we disregard the housing areas (which are largely deprived neighbourhoods) and focus on where we know there is an increased number of licensed premises, we can see that the hot spot area is very similar to the existing CIZ area, with the exception of two minor differences:

1. There are very few incidents further north west than Broad Street
2. There are more incidents to the south east side of the town centre, beyond Jubilee Way.

With consideration for this information, I propose minor amendments to the existing boundaries, so that the CIZ area is as follows:



Having identified an area to work with, I then reviewed the raw data: I used Niche – which is the police crime and intelligence recording system – to ascertain how many offences of assault (ABH and GBH), public order or drunk and disorderly have taken place within Loughborough, between 1st January and 10th December 2016.

I searched for all offences within Loughborough first, and then those that were committed within Beat NL62.

[The previous evidence from 2004 speaks of police beat NL08. At that time, Loughborough was split into nine beats. Beat 8 was the town centre; an area not much larger than the CIZ area. More recently, nine beats became four. Beat 8 was merged with 11 and 12 to become Beat NL62. As well as the town centre, this area now includes the housing that is situated between the town centre and university campus, the campus itself and a large housing area on Ashby Ward.]

I went through every single recorded offence manually to ascertain how many had occurred within the proposed CIZ and how many had occurred during night time hours, which for the purpose of this report are 2200hrs to 0700hrs.

	Public Order Offences (S3, S4, S4a, S5)	Assault Occasioning Actual Bodily Harm	Assault Occasioning Grievous Bodily Harm	Total
Number of offences within Loughborough	102	282	34	418
Number of offences within Beat NL62	64	140	18	222
Number of offences within proposed CIZ	32	76	12	120
Number of offences within proposed CIZ and night time hours	10	47	8	65

This data tells us two things;

Of all violent offences in Loughborough during 2016 (418), 29% (120) of them happened within this proposed CIZ and 16% (65) happened within the proposed CIZ and within night time hours.

Of all violence offences in Beat NL62 during 2016 (222), 54% (120) of them happened within this proposed CIZ and 29% (65) happened within the proposed CIZ and within night time hours.

It is clear from both data sources that there is a concentration in violent crime within the proposed CIZ area, with a significant amount of time occurring during night time hours.

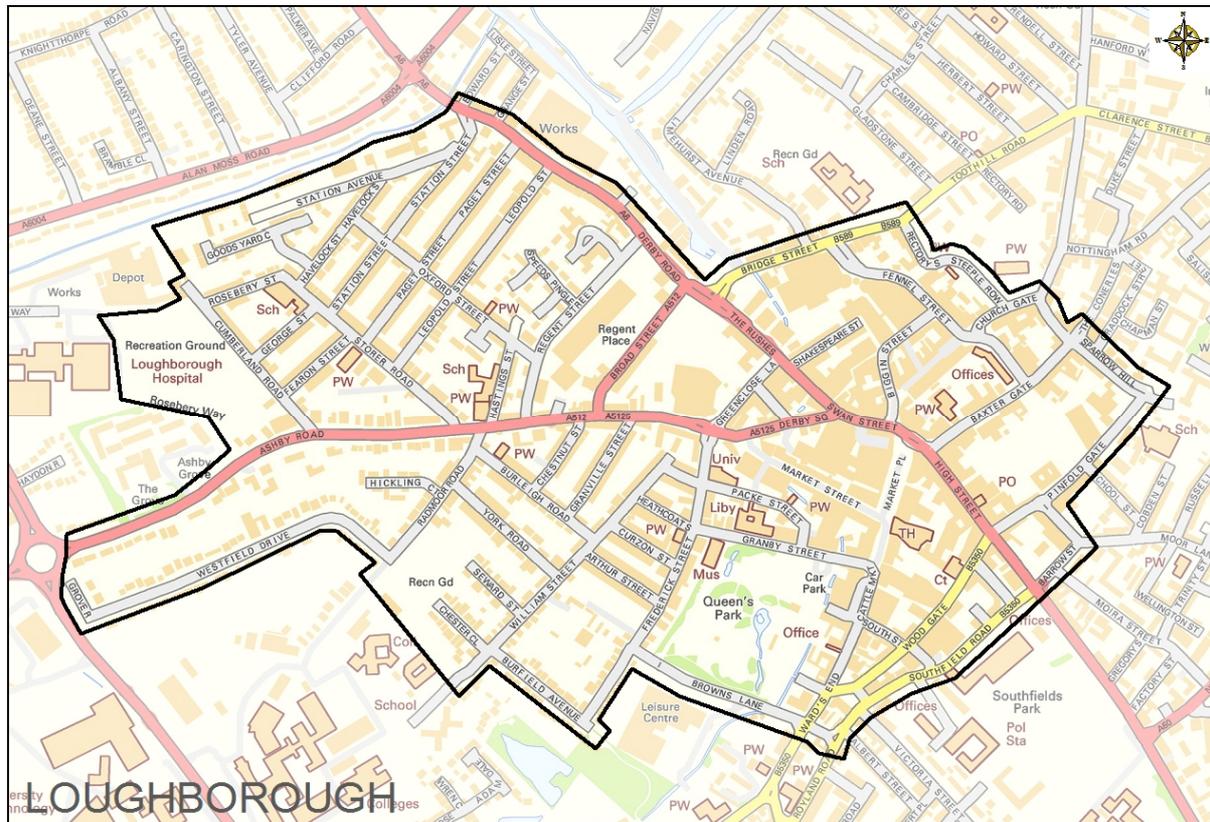
This correlates with the number of licenced premises within the area. According to InnWeb (the police database for licenced premises within Leicestershire), there are 306 live premises licences in the whole of Loughborough. Around 42% (130) of these licenced premises are situated within the proposed CIZ, which is a relatively small geographical area.

Clearly, the data shows that not all violent crime occurs during the night time economy. Daytime incidents are more frequent and there is evidence of ongoing alcohol related crime and disorder, often attributable to specific troubled individuals rather than specific licenced premises.

Police interventions have included the targeted work against two individuals who are alcoholics. There have been many incidents where they have purchased (or on some occasions, stolen) alcohol from off licence shops and then consumed it in public places within the proposed CIZ, before going on to commit crime and disorder.

One off-licence shop contributed to a significant amount of the problem by selling alcohol to these individuals and consequently police applied to review the premises licence. This was completed and, whilst the individuals continue to be a problem, that one particular shop is no longer having a negative impact.

There is currently a Designated Public Places Order in place for Loughborough town centre. The area of that order is shown in the map below. The entire area of the current CIZ and the proposed CIZ is within the DPPO area.



The DPPO is commonly referred to as an alcohol free zone, though this is inaccurate. What the Order does is give police a power to require a person to stop drinking alcohol in public places within the above area. There is no offence of drinking within this area unless a police officer has made a requirement on that person to cease and they then fail to comply.

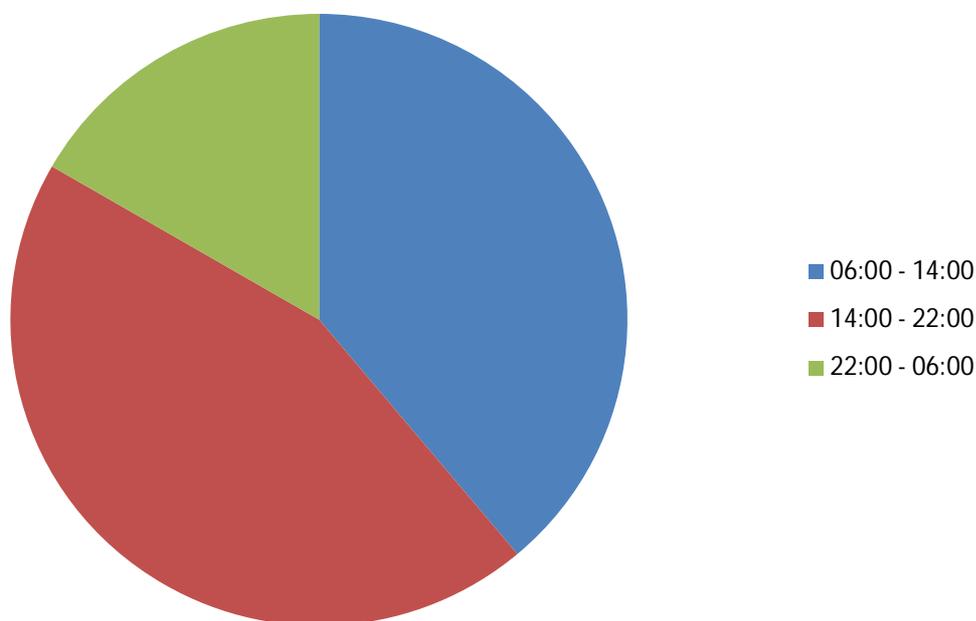
This power is not used simply because someone is drinking alcohol within the area; there is generally a common sense approach and the perceived risk of anti-social behaviour or crime occurring in connection with the consumption of alcohol is a consideration.

There is no requirement for us to record the number of times we use this power however we have tried to do so using a system that we have since found to be unreliable. The number of times we have used this power is recorded as 36 in 2016 (31 of which I carried out myself). I am confident that the actual number of times this power has been used is more like double what has been recorded.

Anecdotally; in most cases, people that are drinking alcohol in the street tend to dispose of their drinks upon seeing police. This has the desired effect of removing the alcohol, but is not recorded as a use of the DPPO power.

Looking at the data that was recorded, it is clear that there are many more uses of the power during the daytime than during the night time economy, with 39% (14) of them occurring between 6am and 2pm, 44% (16) occurring between 2pm and 10pm and only 17% (6) occurring during night time economy hours.

By presenting these figures in the pie chart below, we can see that the green area reflects the amount of times the power was used during the night time economy hours as opposed to the red and blue areas, which represent the daytime uses.



This data reflects the work that has been done to challenge the daytime street drinkers, and whilst this sort of crime and disorder cannot always be attributed to any specific licenced premises, the incidents and the need to enforce the DPPO is – in part – due to the number of off-licence premises in the area.

Summary

There is clear evidence of a disproportionate amount of crime and disorder occurring within what is a relatively small area. Not all of the incidents can be attributed to licenced premises, however it is my opinion that the concentration of so many such businesses within the area is a contributing factor and is evidence of the cumulative impact. I believe therefore that there is a need to maintain a policy and for the area.

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**

<p>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.</p> <p>Data/information such as:</p> <ul style="list-style-type: none"> ▪ Consultation ▪ Previous Equality Impact Assessments ▪ Demographic information ▪ Anecdotal and other evidence
<p>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.</p>
<p>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)</p>
<p>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.</p>

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

<p>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.</p>
<p>No further consultation required.</p>

■ **Step 5 – Assessing the impact**

<p>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).</p>	
	Comments
Age	<p>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.</p>
Disability (Physical, visual, hearing, learning disabilities, mental health)	<p>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.</p>
Gender Reassignment (Transgender)	<p>No Impacts identified/ Neutral Impact</p>

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.](#)