



# Statement of Licensing Policy 2015-2020

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## PART 1: Introduction

Oadby and Wigston Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the Act”) for the Borough of Oadby and Wigston (“the Borough”).

The Act came into force on 24 November 2005 and merged six separate licensing regimes into one Act (alcohol, entertainment, cinemas, theatres, late night refreshment houses and night café).

The Licensing Authority is under a duty to carry out its functions under the Act with a view to promoting the four Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

When making decisions to grant, refuse, revoke or add conditions to Licences the Act requires the Licensing Authority to have regard to:

- its own Statement of Licensing Policy (this “Policy”)
- guidance issued by the Secretary of State

## PART 2: The role of this Policy

The Licensing Authority is required by Section 5 of the Act to determine and publish a Statement of Licensing Policy every five years and to have regard to it when determining applications made under the Act.

This policy will:

- be used as a guide by members of the Licensing Authority in their decision making
- inform applicants about how applications will be considered
- inform applicants of the expectations the Licensing Authority will have of them
- inform residents and local businesses about how applications are considered and how they can engage in the Licensing process
- be used to support decisions made by the Licensing Authority should its decisions be challenged

## PART 3: Licensable Activities

There are three broad categories of licensable activity under the Act.

- The sale and/or supply of alcohol.
- The provision of regulated entertainment.
- The provision of late night refreshment.

## PART 4: Sale and / or Supply of Alcohol

A licence is needed for alcohol to be sold by retail from any premises whether or not that alcohol is sold for consumption off the premises, on the premises or both.

The sale by retail of alcohol requires two forms of permission, a premises licence for the premises and an individual holding a personal licence to authorise the sale of alcohol. One individual holding a personal licence must be named on the licence as the designated premises supervisor.

The supply of alcohol by or on behalf of a members club to, or to the order of, a member of that club requires only a club premises certificate.

## PART 5: Regulated Entertainment

A number of entertainment activities are regulated by the Act. These are:

- The performance of a play
- The exhibition of a film
- Indoor sporting events
- The provision of live music
- The provision of recorded music
- Boxing, wrestling or mixed martial arts
- Performance of dance

### **Exempt entertainment**

There a number of exemptions as to when entertainment is deemed not to be regulated under the Act and does not require a licence. Individuals and businesses should ensure that they are aware of all the legislative requirements that apply to an exemption and can evidence that any exempt entertainment is carried out in accordance with them. The person providing the activity should take their own legal advice before providing an activity if they are unsure if it requires a licence or not.

## PART 6: Late Night Refreshment

The provision of hot food and the provision of hot drink is licensable between the hours of 23:00 and 05:00. This means that during these times a number of businesses such as restaurants, take-aways, hotels and bars will require a licence.

The Licensing Authority has no ability to regulate activities relating to the provision of hot food and drink outside of the above times.

Conditions attached to a premises licence that authorises late night refreshment will only apply to the provision of hot food and drink between the hours of 23:00 and 05:00.

## PART 7: Carrying out licensable activities

It is the position of the Licensing Authority that persons carrying out licensable activities do so in full knowledge and understanding of the legal requirements. The onus is on the businesses or individuals carrying out the activities to make appropriate enquiries as to whether or not they need an authorisation from the Licensing Authority before they carry out that activity.

Where an authorisation is held the Licensing Authority expects that the licence or certificate holder or the premises user understands how to comply with the terms of it and the legislation it is granted under or will have sought advice from the Licensing Authority on how to comply.

This Policy is available from the Council Offices and its website and is the primary source of information provided by the Council as to the Act and its application in the Borough. It is expected that before carrying out any licensable activity individuals and businesses will have consulted this Policy and if unsure will have asked relevant questions in writing of the Licensing Authority.

This Policy is not, and cannot be, a thorough examination and explanation of the Act, its regulations and the various decisions that have been and will in the future be made on the interpretation of the Act by the Courts. Applicants and businesses are encouraged to obtain their own separate and independent legal advice where they believe it is necessary.

## PART 8: Types of Authorisations

There are four types of authorisations for licensable activities:

- Premises licences
- Club premises certificates
- Temporary event notices
- Personal licences

All licensable activities will require an authorisation for the premises from which those activities are provided on or carried out from and this can be authorised by a premises licence, club premises certificate or temporary event notice.

The Act provides for a two-tiered licensing system where the licensable activity involves the sale by retail of alcohol (namely premises licences and personal licences).

A personal licence is required where the sale of alcohol is provided from a premises authorised to sell alcohol under a premises licence. In such cases a personal licence holder must be named on the premises licence as the Designated Premises Supervisor (DPS).

A personal licence holder is not required to authorise the sales of alcohol from premises that hold a club premises certificate or from premises carrying out activities under a Temporary Event Notice provided that the alcohol is sold or supplied in accordance with that authorisation.

The permissions are explained further below.

## PART 9: Premises Licences

Premises licences are the most common type of authorisation for licensable activities and are necessary for businesses such as pubs, nightclubs, supermarkets, off-licences, restaurants, take-aways, hotels, theatres, cinemas and many other types of premises.

The Act allows for any person who uses or carries on a business from a premises to apply for a premises licence, whether it is an individual partnership or company. Additionally a number of other legal entities including a recognised members club, charity, educational and health institutions may apply.

A premises licence can authorise all types of licensable activities other than the supply of alcohol under member's clubs conditions which can only be authorised by a club premises certificate.

Additionally a provisional premises licence can be applied for in certain instances, such as when the applicant is not in a position to use a premises for licensed purposes (i.e. it is yet to be built) but wishes to ensure that he can get the appropriate permission.

## PART 10: Club Premises Certificates

Club premises certificates ("CPC's") are similar to a premises licence but can only be applied for by, and granted to, qualifying clubs. These are, ordinarily, traditional working men's clubs and institutes that are governed by club rules.

The key difference between such clubs and other businesses or individuals that require a licence, is that the members of the club collectively own and hold the possessions of the club. Alcohol, therefore, is not sold but supplied to members.

The holding of a CPC means that the club does not require a personal licence holder to be present or to be named on the premises licence as the DPS as the members of the club share the responsibility for any offences committed.

There are more restrictions and limitations imposed on a CPC than a premises licence. A qualifying club must have at least 25 members at all times, it cannot admit non-members to the premises unless as a bona fide guest of a member, and new members cannot be supplied with alcohol unless 48 hours have elapsed since their

application to become a member was approved by the Club. The Club must also have and maintain club rules that comply with the requirements of the Act.

A members club is permitted to apply for and hold a premises licence, rather than a CPC if they wish, but only a members club can hold a CPC.

## PART 11: Temporary Event Notices

A Temporary Event Notice (TEN) allows licensable activities to be carried out on a temporary basis without the applicant applying for a permanent permission such as a premises licence or club premises certificate.

Despite using the term “event” the Act does not require an actual event to take place or be intended in order for the authorisation to be applied for. TEN’s can be used for a variety of instances such as a local park fete, the sale of wine at a church gathering or for extending the hours of premises licence.

A TEN is simply a notice given by an individual who signs to state that they will be responsible for providing licensable activities on the occasion stated. The Notice must be served in accordance with strict statutory timescales, on the Licensing Authority, the Police and the Council’s Environmental Health Team.

The Licensing Authority does not approve or grant a validly given notice but simply acknowledges that it has been received.

If the notice is not served correctly and within the prescribed timescales it is invalid. The Licensing Authority is not under a duty to inform the person who served the notice that it is invalid. It is the responsibility of the person giving the notice to ensure that they have served it correctly and are authorised to carry out the licensable activities they require before they do so.

If the notice served exceeds the permitted requirements of the Act the Licensing Authority is required to serve a ‘Counter Notice’ on the notice giver. These permitted requirements are amended from time to time but relate the number of notices that can be given to an individual not holding a personal licence, the number of notices that can be given by a personal licence holder, the period of time that one notice can cover and the number of notices that can be given in respect of one premises licence.

Carrying out licensable activities without an authorisation is a criminal offence that can result in a custodial sentence and/or a substantial fine.

A TEN must be served on the Licensing Authority, Police and Environmental Health at least 10 clear working days before the day of the event. “Clear working days” does not include the date the notice was given nor the day of the event.

If an objection is made against the application by the Police or Environmental Health the Council is required to hold a hearing.

The Act also provides for a “Late TEN” to be given with 5 clear working days notice. However, if either the Police or Environmental Health object to the notice the event cannot go ahead and the person who served the notice has no right of appeal.

The Licensing Authority recommends that as much notice as possible is given as this allows for any errors or omissions to be rectified.

## PART 12: Personal Licences

All sales of alcohol under the Act must either be made or authorised by a personal licence holder.

Any person over the age of 18 may apply to the Council for a personal licence if they are ordinarily resident in the Borough and have successfully passed the relevant statutory qualification.

An Applicant must submit the prescribed application form to the Licensing Authority along with their qualification certificate, two endorsed passport photographs and a basic disclosure criminal record certificate dated within a calendar month of their application. There are no exceptions to this statutory provision.

Where an individual has submitted a valid application and has no relevant convictions shown on their basic disclosure the Licensing Authority is required by the Act to automatically grant their application.

Where an individual has been convicted of a relevant offence the Licensing Authority must notify the police of the application. The Police will then have the opportunity to object to the grant of the licence and if they do so a hearing will be convened in order to determine the application. Relevant offences are prescribed in regulations and vary from time to time.

Those who hold a personal licence and work in licensed premises are expected to be fully up to date with the Act and remain so throughout the holding of their licence. The Licensing Authority will expect personal licence holders to undergo regular training on their duties and the Act.

## PART 13: Designated Premises Supervisor

The designated premises supervisor (DPS) is an important role created by the Act and applies only when a premises licence authorises the sale and/or supply of alcohol. In order to be able sell or supply alcohol from the premises an individual holding a personal licence must be named on the premises licence as the DPS. This is because all sales of alcohol must be made or at least authorised by a personal licence holder and gives certainty to the responsible authorities that a personal licence holder will be at the premises.

There can only be one DPS named on the licence although more than one personal licence holder can work and authorise sales from the premises. The Licensing Authority recommend that all premises have more than one personal licence holder employed to ensure appropriate cover for annual leave and sickness.

The DPS is only required to hold a personal licence and consent to being named on the premises licence. The Act places no further obligation on the DPS to either be at the premises, to manage the premises or to authorise the sale of alcohol. It is permissible for the DPS to simply be a figurehead named on the licence and for another personal licence holder to be employed to authorise the sale of alcohol.

However, the intention of the role of the DPS, as expressed by the Governments guidance, is that the person in day to day control of the premises should be named on the licence as a contact point for all authorities and bears a level of individual responsibility for the activities carried out from the premises. Normally this will be the manager of the premises.

The expectation of the Licensing Authority is that the DPS will be a responsible person and will ensure that the provision of all licensable activities from the premises do not undermine the licensing objectives. The DPS should take the lead on training and authorising other members of staff in their duties under the Act and ensure that the terms and conditions of the premises licence and the Act are complied with.

The Licensing Authority expects that the DPS will take regular training and remain up to date with the Act and other applicable legislation affecting their role of responsibility. The Licensing Authority would be concerned, should its discretion be engaged, that a DPS has not continued with a course of regular training unless satisfied that the DPS has exceptional experience that makes such training unnecessary.

## PART 14: Application Process for premises licences and club premises certificates

Before applying for a licence or certificate it is recommended that potential applicants ensure that they are familiar with this Policy and discuss their application with the responsible authorities who are able to advise them on the measures that they would expect to see offered in their application. References to a premises licence in this part of the Policy should also be taken as including club premises certificates as the process is largely the same.

The statutory process for applying for a premises licence can take some time and must be followed by applicants carefully. If the application is not made and advertised as prescribed by the regulations the application will be deemed invalid and the Licensing Authority will be unable to grant the licence.

Applicants are therefore advised to consider carefully the statutory process and seek their own independent legal advice.

## **The application form**

Applications must be on a prescribed form and be accompanied by the statutory fee. The application form, known as an operating schedule, must be accompanied by a plan of the premises (in the statutory prescribed form) and if the sale or supply of alcohol will be a licensable activity a form of consent from the proposed DPS must be submitted. Clubs applying for a CPC will not require a DPS consent form but will instead need to provide a copy of their club rules to prove that they are a qualifying club under the Act.

The Applicant must complete the relevant application form correctly. If the application form is not completed correctly the application may be rejected as invalid. Where there are very minor omissions or mistakes within an application form that in the opinion of the relevant Licensing Officer do not affect the consideration of the application by other responsible authorities or other persons, the Licensing Officer will allow the application to be amended.

For example, spelling mistakes, address errors and other inconsequential matters will be allowed to be corrected rather than resulting in rejection.

The Applicant is required to state the steps proposed to be taken to promote the licensing objectives. The failure to do this for a new premises licence application will result in the application being rejected. Where a variation application has been submitted the applicant may choose not to state any further steps and rely on those already conditioned to the licence – it is however recommended that the applicant makes this intention clear to avoid representations. Further details about promoting the objectives follow.

If the application includes the sale of alcohol a consent form signed by the proposed DPS must also be provided. If at the time of the application the proposed DPS does not hold a personal licence (for instance he or she is in the process of applying for it) the application will still be valid. However if the licence is granted no sale of alcohol will be able to be made until the DPS has been granted their personal licence.

The applicant must also provide a plan of the premises that he wishes to licence in accordance with the regulations. If a plan does not accord with the regulations the application will be invalid. The regulations vary from time to time but are available from the Council or the Government's website.

## **Service of applications**

An applicant is required to serve his application on the statutory responsible authorities. All responsible authorities must be given a copy of the application on the same day that the Licensing Authority is served with the application. The 28 day representation period cannot begin until all responsible authorities have a copy of the application.

## **Representation Period**

Once an application has been made there will be a period of 28 days in which representations can be made either in support of or against an application. The application must be advertised by the applicant to start this period.

## **Advertising the application**

The process of advertising the application is designed to bring the application to the attention of persons that may be affected by it, such as local residents and local businesses – known in the Act as “other persons”.

The Applicant is required to advertise his application in two ways. Firstly the applicant must display a blue notice on or near the premises in the prescribed form. Where the premises to be licensed are set back from the public highway, obscured or situated within private grounds, the applicant must place a blue notice on the nearest public highway.

The Applicant is also required to advertise the making of the application in a local newspaper that circulates in the area on one working day, within the first 10 working days of the application being given to the Licensing Authority.

It is expected that the Applicant will ensure that he makes every effort to bring an application to the attention of other persons by displaying the blue notice in an appropriate position.

## **Invalid advertising**

If the Licensing Authority is not satisfied that the application has been advertised correctly in accordance with the regulations the application will be deemed invalid and rejected. In most cases, rather than return the application, the Licensing Authority will simply request that the applicant re-advertises the application in the correct manner and the 28 day representation period will begin again.

## **PART 15: Operating schedule – steps to promote the licensing objectives**

The operating schedule is a mandatory requirement of a premises licence application and the prescribed form allows the applicant to detail this. It will include details such as descriptive information about the premises, the proposed licensable activities, details of any risks associated with the location or size of the premises, and the times that the proposed licensable activities will occur. Importantly the Applicant must also state the steps that will be taken to promote the licensing objectives.

Stating the steps that will be taken to promote the licensing objectives is the Applicants opportunity to show the responsible authorities and other persons who may have concerns that they have considered carefully the provision of the proposed activities and there impact on the local area and can prevent the licensing objectives from being undermined.

The measures offered in the operating schedule will be translated into conditions on the premises licence and will therefore be binding on the Applicant should the licence be granted.

An incomplete or inadequate operating schedule is likely to result in representations being made against the application and will either delay the grant of the licence or result in its refusal.

It is recommended that before submitting an application the Applicant considers very carefully what they propose to do and discuss their application with the responsible authorities prior to making it.

It is expected that Applicants will outline clear steps within their operating schedule as to the measures that they will take to promote the licensing objectives. Responsible Authorities will rightly have concerns where it appears to them that the Applicant wishes to be considered responsible enough to be licensed to provide licensable activities but cannot take the time to think carefully about the implications of them doing so.

## PART 16: Representations

During the 28 day representation period responsible authorities and other persons may write to the Licensing Authority either objecting to or supporting the application. A valid representation must be made in writing and within the 28 day representation period and the representation must relate to the affect of the application on the licensing objectives.

Representations may suggest conditions or actions that may be taken to remedy the concern. Responsible authorities will have received a copy of the application and will be able to consider more carefully the application made. Persons other than the responsible authorities will not normally have seen the application just the blue notice displayed at the premises or the advert in the local newspaper. It is therefore recommended that before a representation is made the application is viewed either at the Council Offices, or, if available, on the Council's website.

Applicants should note that their application is a public document and may be shown to other members of the public and may be viewed on the Council website.

The Act permits the Council to ignore representations that are in its opinion vexatious or frivolous.

Persons who submit a representation against an application should be aware that the applicant has a right to see these representations under the Act as they are submitted against the grant of an application that the applicant is legally entitled to apply for and be granted. In rare instances a person submitting a request can express a wish to remain anonymous and the Council will consider this request in line with the Governments guidance. If the Council determine that it will not permit a person to be anonymous it will advise the individual and give them the opportunity to

either confirm that they wish the objection to be treated as a relevant representation under the Act and provided to the applicant or to withdraw their representation.

Decisions on whether or not a representation is valid in accordance with the Licensing Act 2003 will be made by the appropriate Officer dealing with the application in consultation, where necessary, with the relevant advice from the Head of Corporate Resources.

## PART 17: Determining and granting Applications

Where there has not been any representations made against an application the Act provides that the Licensing Authority must grant the application. The application will be granted on the terms applied for and subject to the mandatory licensing conditions prescribed by regulations and the measures offered in the applicants Operating Schedule.

Where relevant representations have been submitted and are not resolved between the applicant and the objector the Act requires the Licensing Authority to hold a hearing within statutory timescales.

If a representation is submitted by a responsible authority or other person outlining concerns about the application but suggests steps or conditions that can be taken by the Applicant to resolve those concerns the Licensing Authority will permit the Applicant to amend their operating schedule to incorporate the proposed suggestions or conditions. If the responsible authority or other person is content and withdraws their representation and both parties agree a hearing is not necessary the application will be determined by the Licensing Authority without a hearing.

It is considered that the above is the most sensible and efficient way to promote the licensing objectives and is the least inconvenient and cost effective method of giving action to Parliaments intention.

The Licensing Authority will not however allow an applicant to amend their Operating Schedule to place them in a better position than that which has been advertised or which is likely to affect other persons differently than that advertised.

The hearing process allows the Council to consider the application and representations that have been made and determine the application on its individual merits in order to promote the licensing objectives.

Hearings will normally be heard before a sub-committee of Councils Licensing and Regulatory Committee. The Council has published a Code of Practice for Licensing Hearings, which explains how hearings will be held and should be referred to for further details.

When making decisions at a hearing the sub-committee will do so as permitted by the Act and based on the individual merits of the application, having had regard to this policy and the Governments guidance and giving due consideration to the representations submitted.

Any person who has made a representation and the applicant are invited to the hearing and can, if they chose, be represented by any of their choosing whether legally qualified or not.

It is not mandatory for those who have applied for a licence or those who have submitted a representation in respect of one to attend a hearing. However, the Licensing Authority assume that those who have engaged the statutory process and who have been notified in writing of the date and time of the hearing within the statutory timescales have had sufficient opportunity to attend and the Council will in most cases decide to hold the hearing in their absence.

## PART 18: Conditions

Conditions on premises licences are necessary to promote the licensing objectives and will be attached to premises licences and club premises certificates by one of the following methods:

- A mandatory condition imposed under the Act
- A condition offered in the applicants operating schedule
- Following a licensing sub-committee hearing
- Following a review hearing

The mandatory conditions are set by the Home Secretary and may be amended and added to from time to time.

These conditions apply to all licence holders specified within the mandatory conditions. Where the Home Secretary makes changes to the mandatory conditions after the grant of a licence, it is for the licence holder to ensure compliance with those conditions. Unless instructed by legislation to do so, the Licensing Authority are not obliged to inform licence holders of any changes to the mandatory conditions.

Applicants should be aware that the Licensing Authority is required to attach conditions to a licence that are consistent with the applicants operating schedule.

When the discretion of the Licensing Authority has been engaged by the making of a relevant representation or by the application to review a premises licence the relevant sub-committee determining the application may attach such conditions to the licence which it deems appropriate for the promotion of the licensing objectives.

The Licensing Authority will however ensure that all conditions placed on a licence once its discretion has been engaged are tailored to the individual characteristics of the premises to be licensed and based upon the merits of that application and the representations received in respect of that application.

The Act is not the primary mechanism for the general control of nuisance, crime and

anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence. No condition will be attached to a licence requiring a licence holder to resolve issues beyond their control.

## PART 19: Mandatory Conditions

Sections 19 and 19A of the Act imposes mandatory conditions on all premises licences and club premises certificates.

These will be included on a premises licence or club premises certificate where granted. These conditions may be varied altered or changed at the discretion of the Secretary State.

The Licensing Authority has no ability to remove or alter these conditions or any obligation to advise licence holders of any changes made to them by the Secretary of State. It is expected that premises licence holders who wish to carry out and provide licensable activities are responsible enough to comply with their duties to comply with these conditions and remain up to date on them and any changes to them.

## PART 20: Alternative mandatory condition

The 'alternative mandatory condition' applies only to a premises licence and permits a licence holder or applicant for a licence, in respect of a community premises to replace the mandatory requirement of the DPS with the alternative condition that the supply of alcohol will be made or authorised by a management committee instead.

This can be applied for at the time of a new premises licence or by submitting a variation application.

## PART 21: Annual Fees

All holders of a premises licence or CPC are required to pay a statutory prescribed fee each year on the anniversary of the issue date of their premises licence or CPC. The fee is based on the rateable value of the premises and is set by the Government through the regulations that are issued under the Act.

Under the regulations premises that have a high rateable value and that are primarily used for the supply of alcohol for consumption on the premises are required to pay either double or triple their prescribed annual fee.

The payment of the annual fee is a statutory requirement and an obligation on the licence holder. The Licensing Authority are not responsible for reminding licence holders of their statutory duty to pay their annual fee.

## PART 22: Suspension of Licences and Club Premises Certificates where annual fee is not paid

Where the holder of a premises licence or CPC does not pay their annual fee the Licensing Authority must suspend that premises licence or CPC. The Licensing Authority will not suspend the licence or CPC until the statutory grace period of 21 days after the date the fee was due has elapsed and before suspending the licence or CPC will serve a notice on the licence or certificate holder giving at least 2 working days notice of the suspension.

Should a premises licence or CPC holder dispute the annual fee that is due they must inform the Licensing Authority in writing before the date on which the fee is due.

Continuing to trade after a premises licence or CPC has been suspended is a criminal offence and will result in a prosecution. The holder of a licence or certificate who is prosecuted for carrying out activities whilst a licence is suspended may in addition, or as an alternative to a prosecution, have their premises licence reviewed.

## PART 23: Other Applications

There are a number of other applications that may be served in respect of premises licences (and CPC's).

### **Minor Variation**

The Minor variations procedure under Section 41A of the Act allows small changes to be made to a premises licence after it has been granted.

Minor variations may be suitable for small changes such as the alteration of plans where small refurbishment has taken place, the removal of conditions, addition of conditions, removal of licensable activities or the alteration of hours or addition of activities (in certain circumstances).

The Licensing Authority will not accept as a minor variation any application to remove conditions imposed by the Licensing Authority within the preceding two years unless satisfied that the reason(s) those conditions were imposed in the first place are no longer appropriate due to a change in style or management of the premises.

The Act prevents the Licensing Authority from accepting as a minor variation any application to extend the hours in which alcohol can be sold within, or to amend the hours that alcohol can be sold between the hours of 23:00 and 07:00.

The applicant must advertise a minor variation by placing a notice on their premises for 10 working days and the Licensing Authority must determine the application within 15 days. Upon receipt of a minor variation application the relevant Licensing Officer will determine whether the application is suitable for variation, and if so, will consult with any responsible authority they feel appropriate. If the Licensing Officer believes that the granting of the application could undermine the licensing objectives the application will be rejected.

## **Full Variations**

Any changes that are required to be made to a premises licence that are not minor or do not relate the change of a DPS will be required to be submitted as a major variation. The process for this is the same as applying for a new premises licence or CPC.

### **Transfer of Premises Licence**

Premises licences may be transferred from the premises licence holder to another person upon the application of that person. The applicant will need to obtain the premises licence and the consent of the existing premises licence holder in order to make the application and be in position to use the premises for licensable activities.

Where the consent of the premises licence holder cannot be obtained the Licensing Authority may exempt the applicant from the requirement if the applicant can satisfy the authority that he has taken all reasonable steps to do so.

The Police may object to an application in exceptional circumstances where they believe that the granting of the licence will undermine the licensing objectives of the prevention of crime and disorder.

### **Variation of Designated Premises Supervisor**

Whilst on a number of occasions the DPS will be the same person as the premises licence holder on others the DPS will simply be an employee and may be changed regularly. The premises licence holder is therefore able to submit an application to replace the DPS named on the licence with another person providing that other person holds a personal licence and consents to being named as the DPS.

The Police may object to an application in exceptional circumstances where they believe that the granting of the licence will undermine the licensing objective prevention of crime and disorder.

## **PART 24: Responsible Authorities and the Licensing Objectives**

The Licensing Authority is required to carry out its functions under the Act with a view to promoting the licensing objectives. The Licensing Authority also expects that holders of premises licences, personal licences, club premises certificates and those who have given Temporary Event Notices to actively promote the four licensing objectives.

Where the discretion of the Licensing Authority is engaged and it is considering whether to grant an application for a licence or certificate, to revoke a licence or certificate or to add conditions to a licence or a certificate the Licensing Authority will consider carefully the evidence before it.

### **Licensing Objective - Prevention of crime and disorder**

The Licensing Authority expects that on issues of Crime and Disorder the Leicestershire Police will be the primary source of information and evidence that the objectives will be undermined.

### **Licensing Objective - Public safety**

The Licensing Authority expects that on issues of public safety the primary responsible authorities will be the Leicestershire Fire and Rescue Service and the Councils Environmental Health team.

### **Licensing Objective - Prevention of public nuisance**

It is expected that the primary responsible authority that will deal with public nuisance concerns is the Councils Environmental Health Team. However it is also acknowledged that the Councils Planning Team may also have concerns or evidence about the affect of licensed premises on the amenity of its local area.

### **Licensing Objective - Protection of children from harm**

The Leicestershire Police are also the responsible authority that take the lead on child protection issues within the Borough and will be the primary source of evidence for concerns in this regard. It is also noted that the Leicestershire Trading Standards Service are the primary authority for dealing with the sale and supply of alcohol to under age persons from Off Licences within the Borough.

Whilst the above sets out who the Licensing Authority expect and acknowledge as being the appropriate authority for responding to applications and providing evidence under the above four objectives it does not stop any other responsible authority or other person raising issues under any of the objectives and providing evidence to the Licensing Authority.

In the absence of any evidence the Licensing Authority will ordinarily assume that where the primary responsible authority for relevant objective above has not raised concerns there is on the balance of probabilities likely not to be any.

The Licensing Authority is also a responsible authority in its own right and able to object to applications and review premises licences and CPC's. The Licensing Authority will not however use these powers where they should rightly be exercised by one of the above responsible authorities unless it considers it appropriate to do so.

## **PART 25: Possible steps to promote the Licensing Objectives**

Licence applications should be accompanied by an Operating Schedule that includes the steps that the licensee proposes to take to promote the 4 licensing objectives.

The Licensing Authority strongly recommends that the process of developing the operating schedule includes a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

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.

Examples as to the steps that may be required by the above authorities to promote the licensing objectives and which may reduce objections to applications follow below.

It is for the applicant to decide which of these are appropriate for inclusion in their operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority can only impose conditions that have been offered in the operating schedule of an application, or following a hearing in which the Authority has agreed with a representation. If the licensing application complies with all other legal requirements, and there are no relevant representations, then the Licensing Authority must grant the application.

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

#### **Closed Circuit Television (CCTV)**

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 premises including take-away's or restaurants open late at night. The CCTV should be installed and maintained on the advice of the Leicestershire Police Crime Prevention Officer.

#### **Glassware**

Parts of the Borough are the subject of a street drinking ban and 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. In certain circumstances polycarbonate glasses may be sensible, such as where there are incidents of violence or events are held which make it dangerous to use glass.

#### **Irresponsible sales**

Mandatory conditions prevent the holding of irresponsible drink promotions from licensed premises. The Licensing Authority expect the management of licensed premises to be responsible and not to sell alcohol to those who are already drunk or to engage in promotions that will encourage excessive drinking.

Premises licensed to sell alcohol for consumption off the premises should ensure that their promotions do not fall below the mandatory condition specifying minimum prices and do not market their alcohol in a way that encourages bulk buying or purchases by children.

## **Drugs**

The Licensing Authority expects all premises licensed within the Borough to have a firm anti-drugs policy and to report all suspected drug related activity to the Police.

## **Door Staff**

The use of Security Industry Authority (SIA) registered door staff can assist licence holders in controlling entry into its premises, verifying the age of customers and controlling customers inside and outside. Door staff can also assist in making customers feel safe within premises.

## **Age Policy**

A mandatory conditions imposed on all licences that sell alcohol requires premises licence holders to have an age verification policy. The Licensing Authority encourages all licence holders and applicants to adopt a 'Challenge 25' policy in order to ensure that underage sales are prevented.

## **Pub Watch**

Licence holders running pubs and clubs are encouraged to participate in the Oadby and Wigston Pub Watch group where best practice and concerns within in the local area can be shared.

## **Public Safety**

The Health and Safety at Work Act and the Regulatory Reform (Fire Safety) Order 2005 are aimed at protecting public safety and 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.

Licence holders should have documented risk assessments for their day to day business and carry out further risk assessments should they be intending to carry out events or functions that they do not normally hold.

Such steps may include the setting of a capacity limit for all, or separate parts, of the premises or the use of door staff or stewards to control admission and to control customers inside premises and at outdoor events.

## **The Prevention of Public Nuisance**

The Licensing Authority recommends that before an application is made, the applicant identifies the impact that their potential licence would have on its neighbourhood and identify controls to minimise that impact. Advice and assistance in undertaking this task should be sought from the Environmental Health team.

The primary sources of public nuisance occurs from entertainment activities and the noise of customers. The later into the evening such activities occur the more likely it is to be considered a nuisance. A nuisance is also more likely to arise where the premises are situated within a residential area as opposed to a more commercial

town centre.

To control such nuisance it may be appropriate for there to be a limitation on hours of operation or on the hours of certain activities. For instance, it may be appropriate to allow premises to open until midnight but for entertainment activities to cease at 23:00 p.m. Measures such as keeping windows and doors closed when entertainment occurs, positioning speakers away from neighbouring properties or the use of a noise limiter may be of consideration.

Steps to prevent noise, disturbance and anti-social behaviour arising from the external use of the premises such as people arriving at, or leaving the premises, the opening and closing of car doors or the use of smoking shelters and beer gardens also need to be considered.

Stricter controls offered by an applicant will be seen as appropriate in areas that are closer in proximity to residential accommodation.

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

Licences may be sought for a wide variety of premises and it is not possible for a Policy to anticipate every situation where children may be at risk. 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 Licensing Authority considers that it will be appropriate for the protection of children to restrict access of children to premises where:

- Entertainment or services of an adult or sexual nature are provided.
- There have been convictions or fixed penalty notices issued due serving alcohol to minors.
- There is a strong element of gambling on the premises in excess of that considered by the Licensing Authority to be ancillary to the general use of the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Conditions will not be imposed on a license so as to require the admission of children as that is a matter for the discretion of the licensee.

### **Children and films**

Licence holders for premises authorised to show films are expected to prevent children from viewing films outside of the British Board of Film Classification or other film classification board approved by the Licensing Authority.

### **Children and Entertainment Events**

Where a significant number of unaccompanied children will be present during an entertainment event, the licensing Authority will expect that an adequate number of adult staff are present to control and ensure the safety of the children.

### **Proof of Age Cards**

The Licensing Authority expects all responsible licensed premises to have an adopted age verification policy evidenced in writing. The authority would suggest as best practice that premises that sell alcohol adopt the “Challenge 25” and only accept photographic ID as proof of age. The most reliable proof of age includes a passport, a photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS).

### **Refusals Registers**

All licence holders of premises that authorise the sale of alcohol are expected to maintain and use written refusals registers. This requires the licence holder, DPS, or members of staff to record all occasions where a customer has sought to purchase alcohol and has been refused.

Some operators may go one step further and maintain a written challenge register and record all people challenged for appropriate ID and the outcome, whether acceptable ID was shown and the sale made or the sale refused.

## **PART 26: Reviews of Premises Licences**

Once a licence has been granted the Act allows for the licence to be reviewed by one or more of the Responsible Authorities or any other person affected by its activities such as a resident or local business.

This ensures that those who hold a premises licence continue to operate in such a manner that does not undermine the licensing objectives.

If a review has been applied for a further hearing will be held before a sub-committee of the Licensing Authority to consider the evidence of the alleged activities or conduct undermining the licensing objectives.

Where a standard review of a premises licence has been applied for the Licensing Authority are responsible for advertising the review by placing a notice on the premises and on its website.

The Licensing Authority will check the notice displayed on the premises regularly but is aware that the licence holder may be tempted to remove the notice in order to frustrate the licensing authority in complying with the regulations and determining the review application.

The Council does not believe that it is in the interest of the licensing objectives and the residents of the Borough to have a review delayed in such manner so as to allow

premises to continue to trade when concerns have been raised that it is undermining the licensing objectives. In such instances the Council will use its best endeavours to ensure that it complies with the regulations but will not deem the review application to be invalidated when intentionally frustrated by the licence holder of the premises being reviewed.

Where there are more serious instances of crime and disorder occurring from a premises within the Borough the Leicestershire Police have powers to call for a Summary Review to enable the Licensing Authority to hold a hearing within 48 hours to put in place interim steps that must be followed by the licence holder until a full hearing can be heard, which must be within 28 days of the application for review having been made.

It is not mandatory for a premises licence holder who is having their premises licence reviewed to attend the hearing. However, the Licensing Authority assumes that those who intend to operate legally and responsibly will attend in order to work with the licensing authority and other responsible authorities. The Licensing Authority will therefore take into consideration the evidence before it as to the alleged incidents undermining the objectives, the risks to members of the public of such incidents being allowed to continue and the licence holders conduct and communication with the authorities leading up to the review. The Licensing Authority will either adjourn the hearing or continue with it in the applicants absence where it is of the opinion that it is appropriate, necessary and proportionate to do so for the promotion of the licensing objectives.

## PART 27: Early Morning Restriction Orders

The Police Reform and Social Responsibility Act 2011 inserted section 172A into the Act which enables the licensing authority to make an early morning restriction order (EMRO). An EMRO will be made by the Licensing Authority if it deems it appropriate for the promotion of the licensing objectives and if made will restrict the sale of alcohol during a specified period between midnight and 6am.

If an EMRO is in affect it will prevent the sale or supply of alcohol during the times specified in that Order and will override the provisions of any premises licences, club premises certificates and temporary event notices that may have been granted.

The intention of such an Order is to reduce alcohol related issues in local areas and the problems caused by late night drinking.

Prior to making an Order the Licensing Authority is required to follow a statutory process that requires the proposed order to be advertised for a minimum of 42 days on its website, in a local newspaper and by sending notice of the Order to all affected licence holders.

During this 42 day period representations either for or against the proposed Order can be submitted in writing to the Licensing Authority. Representations will be considered at a hearing.

After a hearing the Licensing Authority will then determine whether or not to go ahead with making the Order and if it does so must ensure that it is advertised for at least further 28 days before it comes into affect.

EMROs do not apply to the following:

- Premises which are a hotel, guest house, lodging house or hostel where the supply of alcohol from midnight – 6am is made only to guests staying at the hotel who shall consume it in their room
- Premises which are authorised to supply alcohol for consumption from midnight – 6am on New Year’s Day, but are not authorised to supply alcohol at these times on any other day of the year.
- To the sale and or supply of alcohol provided at time authorised by a licensing hours orders made by the Secretary of State under s172 of the Licensing Act 2003 for special occasions deemed to be of ‘exceptional international, national or local significance’ by the Secretary of State unless the licensing hours order provides otherwise.)

The making of an EMRO is a restriction that is contrary to the original intention of the Act by recreating arbitrary fixed trading hours and affects the rights of businesses in the area. The Licensing Authority will not make such an Order lightly and will require evidence to be placed before it that it is appropriate for the licensing objectives for such an Order to be made. The Licensing Authority will normally expect the Police to provide the majority of this evidence but will consider the evidence of any other authority or person on its own merits.

If the licensing objectives are being undermined within the Borough or in a part of the Borough that suggests an EMRO is necessary, the Licensing Authority will expect the Responsible Authorities to have at first worked with those premises in the Borough or part of the Borough that are causing the concerns to resolve the issues. The Licensing Authority shall be satisfied that sufficient efforts have been made to promote the licensing objectives without requiring an Order before such an Order is made.

## PART 28: Late Night Levy

The cost of policing the night-time economy can result in members of the public unfairly contributing to costs of public authorities resulting from the business activities of premises that profit from the provision of licensable activities late at night.

A late night levy (LNL) is a contribution from the holders of a premises licence or club premises certificates that hold ‘late night authorisations’ and operate during the hours of midnight and 6am to the policing of the late night economy.

In deciding whether to impose this levy, the Licensing Authority will consider;

- the costs of policing and any other such arrangements which would be required to address crime or disorder in relation to the supply of alcohol from midnight – 6am and
- the desire to raise revenue for the local policing body for the purposes of reducing crime and public nuisance, promoting public safety and the cleaning of any relevant highways or land in the area.

A LNL would apply to the whole of the Borough. The amount payable by each premises is prescribed by regulations and will vary based on the rateable value of the premises.

The Licensing Authority is required to decide the date on which the LNL will come into force, the times of the 'late night supply period' and any permitted exemption/reduction categories and the amount of the net amount of LNL payments which is to be given to the local policing body.

Before introducing a LNL, the Licensing Authority is required to consult the Chief Officer of Leicestershire Police and those that hold a relevant premises licence or CPC will be required to pay the levy should it come to affect. The Licensing Authority will also advertise the proposed LNL on its website and in a local newspaper or other such circular/document.

The Regulations provide for the following categories of premises to be exempt from the requirement to pay a levy:

- Hotels, guest houses, lodging houses, hostels
- Theatres
- Cinemas
- Bingo halls
- Community Amateur Sports Clubs (CASCs)
- Community premises
- Country village pubs
- Business Improvement Districts (BIDs)
- Premises authorised to supply alcohol between midnight – 6am on New Year's Day but otherwise not authorised to do so on any other day of the year

The regulations also provide that reductions to the levy will be given to premises that are members of a relevant arrangement authorised by the Licensing Authority – such as a best practice scheme or premises that are in receipt of Small Business Rate Relief and have a rateable value of less than £12,000.

Presently the Licensing Authority are not satisfied that the costs of policing the night time economy in the Borough justify the imposition of a LNL.

## PART 29: Cumulative Impact

The Licensing Authority recognises that there can be confusion about the difference between "need" and "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for

another pub, restaurant, etc. and is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy, but is a matter for planning committees and for the commercial market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority and its licensing committee to consider.

In certain situations the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual premises, the Licensing Authority may consider that an area has become saturated with licensed premises. The Licensing Authority may consider that a special policy is needed to deal with this cumulative impact

The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question;
- other local initiatives that similarly address these problems.

## PART 30: Special Policy on Cumulative Impact

The Licensing Authority previously adopted a special policy on cumulative impact across the Borough in relation to premises that sold or supplied alcohol for consumption off the premises. The Licensing Authority no longer believes that there is sufficient evidence that any area of the Borough is currently saturated with premises of one type that cumulatively is having a negative impact on the licensing objectives.

The absence of a special policy does not prevent a Responsible Authority or Interested Party from making a representation to the grant or variation of a licence or to the Licensing Authority generally, that the grant of further licences in an area will have a negative cumulative impact on one or more of the licensing objectives. However, the onus will be on the Responsible Authority or Interested Party to lay the evidential base that a negative cumulative impact is occurring or will occur should a licence be granted. The cumulative impact can be expected to be different for premises with different styles and characteristics.

If a Responsible Authority, or other person, has identified a concern about crime and disorder or public nuisance and the Authority considers that the available evidence demonstrates that crime and disorder or public nuisance are arising and are caused by the customers of licensed premises in an identifiable area (or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent) then the Authority will:

- Identify the concern and the licensing objective to which it relates (i.e. Crime and Disorder or Public Nuisance).
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that a risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring.
- Consult with those specified in section 5(3) of the 2003 Act and subject to the outcome of the consultation.
- And after considering the evidence and the responses of those consulted decide whether or not to declare a special policy.

The effect of a cumulative impact policy of this kind, if adopted, would be to create a rebuttable presumption that applications for new premises licences or applications for material variations to existing premises licences within the area covered by the policy will normally be refused. Where a special policy is in effect it will be for an applicant to lay the necessary evidence that the granting of the licence would not produce the cumulative impact as described above.

The saturation policy will only come into effect where relevant representations are received in relation to a specific application. If there are no representations the Licensing Authority must grant a premises licence in accordance with the application.

The Licensing Authority recognises however, that such a policy cannot be absolute and would continue to consider each application on its own individual merit. Licences unlikely to add significantly to the problems of saturation or cumulative impact would still be approved.

The Authority acknowledges that the impact will be different for premises with different styles and characteristics.

If, following consultation, a special policy was adopted, the Authority would review this at least every 5 years and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.

A special saturation policy would not be used to:

- remove a licence when representations are received about problems with an existing licensed premises;
- justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy;
- adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## PART 31: Other regulatory regimes

### **Gambling Act 2005**

The Gambling Act 2005 provides a variety of exemptions and special provisions for premises that hold a premises licence or club premises certificate.

Further details on such provisions are available from the Council by viewing its [statement of Gambling Policy](#) or from the Gambling Commission.

When providing activities under the Gambling Act from a licensed premises the designated premises supervisor (DPS) takes on a special role for compliance (known as the designated person) and is legally responsible for ensuring that those activities are carried out in accordance with the Gambling Act and the codes of practice issued under it.

The Licensing Authority are aware that whilst small scale gambling within bars and clubs can be an enjoyable pastime for many people there is the potential for alcohol to play a role in customers gambling more than they can afford. The Licensing Authority therefore expects premises that provide gambling related facilities to act responsibly.

The Licensing Authority believes that a failure to organise gambling related activities responsibly undermines the licensing objectives and if such conduct results in the review of a premises licence the Licensing Authority may revoke the premises licence or remove the designated premises supervisor from the licence.

## **Planning**

Licensing and planning are separate regulatory regimes with separate considerations. Premises conducting licensable activities will require the appropriate planning permission as well as a licence under the Act. The grant of one does not avoid the need for the other.

Planning considerations are not considerations for the Licensing Authority. However, where a representation is made by the Local Planning Authority suggesting that planning permission is not likely to be granted as it will have an affect on the local amenity (i.e. cause public nuisance) and undermine the licensing objectives the Licensing Authority will consider the evidence and expertise of the planning authority.

When making such a decision the Licensing Authority will consider whether or not it is appropriate for the promotion of the licensing objectives to grant a licence for a premises in excess of the hours permitted under planning legislation for that premises. A key consideration will be the evidence of the planning authority as to the reasons why such consent will not be granted and how those reasons relate to the licensing objectives.

## **Building Control**

Building regulations are separate to the licensing regime and Building Control are not a responsible authority and unable to object to licence applications or review premises licences. However, building regulations are designed to ensure the safety of members of the public within premises and evidence of lack of compliance with, or failure to correctly carry out work required by Building Control could be used by the Fire and Rescue Service or Environmental Health as evidence of a public safety risk to review or object to a premises licence.

It is therefore imperative that applicants for licences and existing licence holders ensure that they comply with building regulations.

## **Fire Safety**

The Regulatory Reform (Fire Safety) Order 2005 requires business operators to carry out a thorough assessment of the risks of fire to members of the public on their premises.

It is not the place of the Leicestershire Fire and Rescue service or the Licensing Authority to carry out, or condition, these assessments, as it is a legal duty under the above Order. Failure to do so by a licence holder will endanger members of the public and is a ground for the Licensing Authority to hear a review of a premises licence upon the application of a responsible authority.

## **Health and Safety**

Licensed premises, as an employer of staff and by inviting members of the public onto their premises, have a number of duties under health and safety legislation. This legislation relates to numerous areas such as the hours worked by staff, the risks of broken glass to staff members and customers, food safety and hygiene and many

more areas. Applicants and licence holders should ensure that they are familiar with the appropriate and relevant legislation and are able to comply with it.

### **Duplication**

The Licensing Authority recognises that it is unnecessary and inappropriate to duplicate existing legislative requirements by placing similar conditions on a premises licence. However, in certain instances it may be appropriate for the promotion of the licensing objectives where it is clear to the Licensing Authority that the applicant or licence holder lacks the knowledge and awareness of the legislation and to not condition the premises licence would undermine the licensing objectives.

## **PART 32: Delegation of Functions**

The Licensing Authority has based its delegation of functions on the Guidance issued by the Home Secretary under section 182 of the Act.

The Licensing and Regulatory Committee or a sub-committee of three or more members formed from it will determine the following:

- An application for a personal licence following a representation from the Police.
- An application for a review, or summary review, of a premises licence or club premises certificate.
- Determination of a temporary event notice following the objection of the Police and/or environmental health.
- An application for a premises licence or club premises certificate where relevant representations have been made and not withdrawn.
- Application for a provisional statement where relevant representations have been made and not withdrawn.
- Application for variation to a premises licence or club premises certificate where relevant representations have been made and not withdrawn.
- Application to vary a designated premises supervisor following an objection from the Police.
- Application for transfer of a premises licence following an objection from the Police.
- Application for interim authority following an objection from the Police.

The relevant Licensing Officer will determine the following matters:

- The determination of a minor variation
- The determination of an application for a new or a variation of a premises licence or club premises certificate where representations have been made and withdrawn following an agreement where the applicant confirms an amendment to their operating schedule and where, in the opinion of the Officer such an amendment is within the application as advertised.
- The determination to include the alternative mandatory condition (removal of DPS) on a community premises.
- The determination of whether a Club is a qualifying club.
- That an application has been made and advertised in accordance with the legislative requirements.
- That a representation is relevant, or frivolous or vexatious.
- That an application for a review is frivolous or vexatious.

Unless set out above or specifically within the Act all other matters will be determined by the Head of Corporate Resources.

## PART 33: Enforcement

The Licensing Authority believes that legislative requirements and the need for certain activities to be licensed are undermined if not proactively enforced. The Licensing Authority also accepts that excessive enforcement can be burdensome to businesses within the Borough.

Enforcement activities will be targeted and risk assessed so that premises that promote the licensing objectives well and work with the Authority are not unduly troubled and more focus is placed on those businesses that undermine the objectives.

The Licensing Authority will ensure compliance with Council's Corporate Enforcement Policy as may be amended from time to time. The Licensing Authority aims to ensure that enforcement is open, fair, reasonable and proportionate.

Enforcement activities by the Licensing Team will be designed to ensure compliance with the conditions attached to licences and the requirements of the Licensing Act itself.

The Licensing Authority also acknowledges that the responsible authorities set out in the Act have a legislative duty to take the lead on issues within their remit. Where concerns are identified by the Licensing Team that relate to the role and duties of another responsible authority the Licensing Team will expect that authority to lead on the investigation and resolution of the issues.

The Authority recognises that other controls are available outside of the Act to promote the Licensing objectives and responsible authorities should not use the Act as a more convenient method to resolve issues that are better suited for resolution under other legislation which they have the power to enforce.

## PART 34: Duration and review of this Policy

The Act requires the Licensing Authority to keep this Policy under review and to formally review and adopt a new Policy at least every 5 years.

Before adopting a new Policy the Licensing Authority are required to at least consult with the Leicestershire Police, the Leicestershire Fire and Rescue Service, the Local Health Board, individuals or organisations representative of licence holders within the Borough and individuals or organisations representative of businesses and residents within the Borough.

Minor changes may be made to this Policy by the Licensing Authority without consultation where those changes are simply to keep this Policy updated with legislative amendments or to clarify and make clear a Policy intention already expressed in this document and having already been consulted on.