



Doncaster
Metropolitan Borough Council

Consultative Document Statement of Licensing Policy 2016 - 2021

Licensing Act 2003

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Executive Summary

The Licensing Act 2003

Doncaster Council is the Licensing Authority for the Doncaster Metropolitan Borough area.

Section 5 of the Licensing Act 2003 (the Act) requires the Licensing Authority to prepare a statement of its licensing policy (the policy) that it is proposed to apply in exercising its functions under the Act. The policy must be reviewed at least every five years, but may be reviewed within that period and revised as appropriate.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

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

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

Licensable activities are carried out under 'authorisations', which can be:

- Premises licence
- Club Premises Certificate
- Temporary Event Notice

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally the Council has regard for a number of other local strategies such as the Safer Doncaster Partnership and Crime Reduction strategy.

The Licensing Authority has the remit to determine premises licences, club premises certificates, personal licences and temporary event notices.

Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Where appropriate the Council consults with the responsible authorities as described in the Act.

Local people and elected members of the Council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications or requesting reviews of licences for problem premises.

The policy includes a special policy which seeks to limit the cumulative effect of licensed premises in certain areas.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council. This policy describes the Council's enforcement principles and the principles underpinning the right of review.

Section 1 Purpose of the policy

1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Doncaster Council as Licensing Authority on (Target date 26th November 2015) and is effective from 7th January 2016. It will be kept under review and as a minimum will be revised no later than 2020, with a new policy in place by January 2021, unless statute changes. Unless otherwise stated any references to the Council are to the Doncaster Licensing Authority.

1.2 In preparing this policy the Council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Representatives of local premises licence holders
- Representatives of local club certificate holders
- Representatives of local personal licence holders
- Local Licensing solicitors
- Charitable organisations that deal with the social impact of alcohol misuse
- The responsible authorities namely:
 - Chief officer of South Yorkshire Police
 - Chief officer of South Yorkshire Fire and Rescue Service
 - Doncaster Council – Environmental Health
 - Doncaster Council – Health & Safety
 - Doncaster Council – Safeguarding Children & Adults
 - Doncaster Council – Planning
 - Doncaster Council – Director of Public Health
 - Doncaster Council – Trading Standards

1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

1.4 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:

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

1.5 The Council adopts the overall approach of permitting the responsible promotion of licensed activities. However, in the interests of all its residents and other businesses, irresponsible licensed activity will not be tolerated. Following relevant representations the Council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives. Effective and proportionate enforcement, in partnership with responsible authorities and other agencies, will be used to address premises where there are problems.

1.6 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the Council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.

1.7 The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate

circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

1.8 The Council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as Pub-Watch meetings and also by way of regular meetings with the responsible authorities.

Scope of the policy

1.9 This policy covers licensable activities within the Doncaster district as defined by the Licensing Act 2003. These are:

- The sale by retail or supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

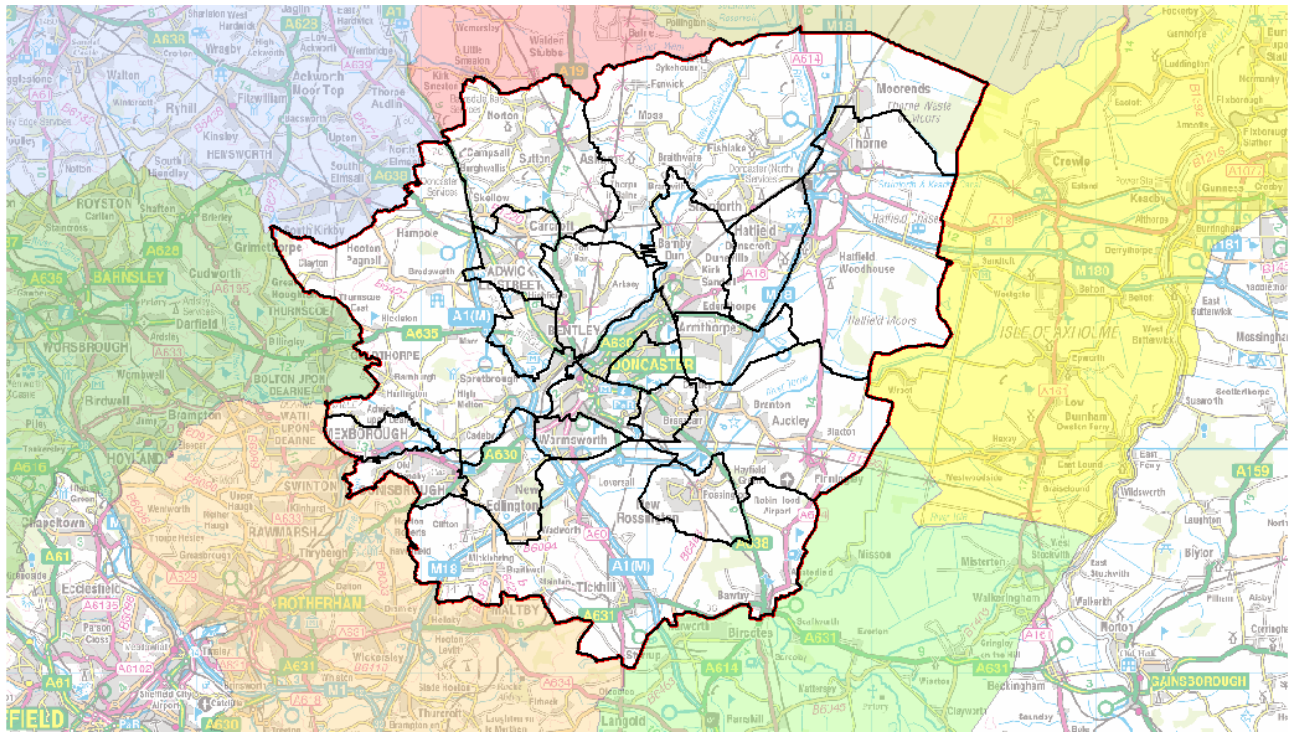
1.10 Advice on whether a licence is required for premises or an event can be obtained from the Licensing service at Doncaster Council.

1.11 Throughout this policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.

1.12 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the Council must grant the application. Only if relevant representations are made will the Council's discretion be engaged.

1.13 Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the Council is likely to take on certain key issues where representations have been made.

Section 2 – The Doncaster District



2.1 Doncaster has a wide range of leisure and entertainment facilities, including town centre bars, village pubs, clubs, hotels, restaurants and major venues such as Doncaster Racecourse, Cast theatre and performance venue, Keepmoat Stadium, The Dome and Robin Hood Airport providing excellent facilities for residents and visitors.

2.2 The Doncaster Metropolitan Borough extends over 58,000 hectares (224 square miles) and has a population of 302,400 (taken from the 2011 census). It includes the town centre and the urban areas that surround it, the more rural villages and the towns of Thorne, Mexborough and Bawtry.

2.3 Each area of the district has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Applicants may consult with the Licensing service to ensure they have as much information as possible before making their application.

Section 3 Integrating other guidance, policies, objectives and strategies.

3.2 The Council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.

3.3 The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

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Section 4 Promotion of the licensing objectives.

4.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives:

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

4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Council at all times.

4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.

4.4 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

4.5 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

4.6 The Council recommends early consultation with responsible authorities. Many responsible authorities would be prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Office or from the Licensing website.

Crime and Disorder

4.7 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

4.8 Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Safer Doncaster Partnership, and any local crime reduction strategy.

4.9 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, police views on matters relating to crime and disorder will be given considerable weight.

4.10 If relevant representations are made in relation to a premises licence or club premises certificate, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

4.11 Conditions will be targeted on deterrence and the prevention of crime and disorder. The Council may consider:

- The need for and location of CCTV cameras; (Consideration will be given to the code of practice for CCTV issued by Information Commissioner's Office)
- The need for door supervision;
- Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence;
- Membership of a recognised pub watch or similar scheme.

4.12 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

Public Safety

4.13 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of staff and performers appearing at any premises.

4.14 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Council will not seek to impose fire safety conditions as conditions on licences where the Order applies.

4.15 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.

4.16 Applicants are advised to consult with the Council's Environmental Health Officers (Health & Safety Enforcement) who can offer advice as to appropriate measures to be included in risk assessments and potentially in operating schedules. They can also offer advice in relation to workplace health and safety matters including compliance with the smokefree legislation.

4.17 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.

4.18 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Clubbing Guide published by the Home Office and DCMS, which gives advice on these issues.

4.19 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

Public Nuisance

4.20 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises which may be disproportionate and unreasonable.

4.21 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.

4.22 Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. These include issues arising from the implementation of the smoking ban where customers may now be more inclined to use external areas of premises.

4.23 Where applicants are completing operating schedules the Council encourages them to have regard to the location of the proposed or actual premises and, in particular, whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, accommodation for the elderly, hospitals, hospices or places of worship.

4.24 Applicants are recommended to consult the Environmental Health Service for advice on measures that may need to be incorporated into an operating schedule.

4.25 If relevant representations are made, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.

4.26 The Council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.

4.27 When considering such matters, the Council will have particular regard to representations made by the Environmental Health Service and by local residents.

4.28 The Council may consider the following matters:

- Whether doors and windows will or can be kept closed after a particular time.
- Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
- The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
- Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
- The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises.
- Provision of litter bins in the vicinity of premises serving hot food after 11pm.
- Display of contact details or a direct telephone link to a private hire/taxi firm.

4.29 The Council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and those who wish to use such facilities.

4.30 Ultimately if it is necessary for the prevention of public nuisance where conditions do not

adequately address the issues an application can be refused.

Protection of children from harm

4.31 The Council recognises the Doncaster Safeguarding Children Board as the responsible authority for the protection of children from harm.

4.32 The protection of children from harm includes protection from physical and psychological harm.

4.33 The Council notes that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.

4.34 Issues relating to access of children to premises may give rise to concern:

- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
- where there have been convictions of the current management for serving alcohol to minors;
- where the premises have a reputation for allowing under-age drinking;
- where requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises; and
- where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.

4.35 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.

4.36 On receipt of relevant representations, the Council will consider whether conditions are necessary. If conditions are necessary these may include:

- limitations on the hours when children will be present;
- limitation upon the presence of children of certain ages when specified activities are taking place;
- limits on the parts of the premises to which children may have access;
- age limitations;
- limitations or exclusions only when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under the age of 18 when any licensable activities are taking place.

4.37 In such cases, representations by the Doncaster Safeguarding Children Board and the Police will be given considerable weight where they address issues regarding the admission of children.

4.38 The Council recognises that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.

4.39 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 21/25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

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Section 5 General Principles.

5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the Council will give clear and cogent reasons for doing so.

5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

5.3 Applicants are reminded of the Government's Alcohol Strategy. Matters set out in the strategy may be relevant to general licensing principles and to one or more of the licensing objectives.

Human Rights

5.4 Human Rights Act 1998 and The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the human Rights Act 1998 and the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life.
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

Impact of Licensed Activity

5.5 Where no representations are made the Council must grant a licence subject to conditions consistent with the operating schedule.

5.6 When determining any application where relevant representations are made, the Council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The Council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.

5.7 Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the Council is looking at the impact of the activities concerned:

- the style of operation, the numbers of customers and customer profile likely to attend the premises;
- the location of the premises and the proximity of noise sensitive properties;
- the proposed hours of operation;
- the transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses;
- any proposed methods for the dispersal of customers;
- the scope for mitigating any impact;
- the extent to which the applicant has offered conditions to mitigate the impact;
- how often the activity occurs.

In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the Council may take into account, in addition to the above matters, any evidence:

- of past demonstrable adverse impact from the activity especially on local residents or businesses;
- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

5.9 Other relevant matters may be considered as the individual case dictates.

Special Events in the Open Air or in Temporary Structures

5.10 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district.

5.11 However, the success of such events by way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

5.12 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a music festival, the Council has established a multi-agency forum (Safety Advisory Group) to assist organisers in co-ordinating such events. This includes Council departments who have an interest in or legislative role relevant to such events together with representatives of the various emergency services.

5.13 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.

5.14 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health & Safety Executive.

5.15 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

Community Applicants

5.16 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the Council sees a distinction between large or permanent activities, such as those proposed by commercial operators and small or temporary activities such as those which might be proposed by cultural or community groups.

5.17 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the Council by contacting the Licensing Service.

5.18 Whatever the nature of the applicant and activity proposed, the overriding matter is that the Council will consider the individual merits of the application and act so as to promote the licensing objectives.

Other Regulatory Regimes

5.19 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the Council plan and the management of the evening and night time economy of the Doncaster district.

5.20 In preparing this policy the Council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, on occasions, it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

Application Process

5.21 Applications must be made to the Council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process. The Council actively supports the ability for applications, where permitted, to be submitted electronically.

Advertising Applications

5.22 Where an application is required to be advertised in a local newspaper, e.g. a new application or an application to vary to an existing authorisation, it is the policy of the Council that the chosen newspaper should one which is published daily or weekly and is widely available in the vicinity of the premises to which the application relates.

Licensing Committee

5.23 The Council appoints a licensing committee and licensing functions will often be delegated to a licensing subcommittee or, in appropriate cases to officers of the Council. Further details on the administration, exercise and delegation of functions can be found in section 13 of this policy.

5.24 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or subcommittee discloses a pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.

5.25 The Terms of reference, procedure for hearings and scheme of delegation of the Licensing Authority is agreed annually by the Licensing Committee and is published on the Council website.

Representations

5.26 Depending on the type of application representations may be made by a responsible authority or other persons (as defined by the Licensing Act 2003). The Council has agreed protocols with responsible authorities and issued guidance to other persons making representations, setting out the detail of the process. Guidance is available on the Council website or by contacting the Licensing Office.

5.27 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application need to be aware that their personal details will

be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body such as a residents association about submitting the representation on their behalf. The Council is not able to accept anonymous representations.

5.28 Where a representation is received which is not from a responsible authority the Council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.

5.29 'Relevant representations' are representations:

- about the likely effect of the premises licence on the promotion of the licensing objectives;
- which have not been withdrawn and are not, in the opinion of the Council, frivolous or vexatious.

5.30 Where relevant representations are received about an application the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.

Reasons for Decisions

5.32 Every decision made by the Licensing Committee, subcommittee or officers shall be accompanied by clear reasons for the decision.

Promotion of Equality

5.33 The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.34 At Doncaster Council we use a range of data and information when we develop policies, set strategies, design and deliver our services. By using equality information we can make sure we have thought about opportunities to promote equality, eliminate discrimination and foster good relations across all the protected groups when making decision. Equality information is used when we develop our corporate plans and it gives us an understanding of what our equality objectives should be.

5.35 We continuously review and provide equalities information in line with our commitment to the Equality Act and Transparency Code of Practice

5.36 Equality data and information is published on the Council website www.doncaster.gov.uk. The Doncaster Data Observatory aims to provide information and intelligence that:

- informs the development of policies and plans across Doncaster;
- increases understanding to support the main population based needs assessment reports;
- improves the sharing of research, best practice, data and intelligence among partners and minimises duplication;
- improves the commissioning of Public Services.

Section 6 Applications for Premises Licences and club Premises Certificates

6.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

Planning

6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

Licensing Hours

6.8 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.

6.9 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance.

6.10 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy in Doncaster. However any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.

6.11 The Council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.

6.12 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their

existing authorisation if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.

6.13 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:

- the applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for;
- the potential effect on the licensing objectives is not significant;
- the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.

6.14 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the Council considers it appropriate for the promotion of the licensing objectives to do so.

6.15 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Local, national and international occasions

6.16 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.

6.17 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

Drinking up time

6.18 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

6.19 Where relevant representations are made the Council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

Operating Schedules

6.20 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

6.21 Operating schedules are the key to ensuring that the four licensing objectives are

promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

6.22 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

6.23 Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

6.24 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes), which may help mitigate potential risks.

6.25 The Council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the section below which contains information on carrying out a risk assessment.

6.26 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by Council.

Risk assessments

6.27 The Council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the Council and responsible authorities to assess how they will seek to promote the licensing objectives.

6.28 The Council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case.

6.30 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.

6.31 The Council recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

Excessive Consumption of Alcohol

6.37 The Council is acutely aware of that certain 'irresponsible' drinks promotions give rise to a significant risk of breaching one or more of the four licensing objectives.

6.38 The Council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.

6.39 The Council as the licensing authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

6.40 Applicants should be aware of the specific mandatory conditions, attached to all licences authoring the sale or supply of alcohol for consumption on the premises, which effectively:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free drinking water if they ask for it.

6.41 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the appropriate legislation.

Conditions

6.42 The Council recognises it may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

6.43 The Council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

6.44 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.

6.45 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.

Designated Premises Supervisor

6.46 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times; however the responsible authorities will expect the DPS to be available to discuss the conduct

of the premises at reasonable times.

6.47 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

Staff Training

6.48 The Council recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises and that suitable training is extended to all staff involved in managing or supervising the premises.

6.49 It is also strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

6.50 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

Club Premises Certificate

6.51 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.

6.52 A Designated Premises Supervisor and Personal Licence Holders are not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.

6.53 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. The Council has issued guidance to clubs on applying for a Club Premises Certificate.

Minor Variations

6.54 It is possible to make small changes to premises licences or club premises certificates through the minor variation process which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Government has issued guidance on this process which can be accessed on the Council's website. Anyone considering submitting an application for minor variation is advised to first discuss the proposed variation with the Licensing Officer prior to submitting the application

Alcohol Deliveries

6.55 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should consider including in their operating schedule the procedures

they intend to operate to ensure that:

- The person they are selling alcohol to is over the age of 18;
- That alcohol is only delivered to a person over the age of 18;
- That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer;
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

Children and Cinemas

6.56 In relation to premises giving film exhibitions, the Council expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films.

Consultation Document

Section 7 - Cumulative Impact

7.1 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.

Cumulative impact policies (CIPs) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

7.2 The licensing policy is not the only means of addressing such problems. Other controls include:

- planning controls
- CCTV
- provision of transport facilities including taxi ranks
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces.

7.3 The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises imposes restrictions only to the extent that they are justified by the available evidence having regard to the guidance issued by the Secretary of State.

7.4 In order to make a decision to include a CIP within this statement of policy there must be an evidential basis. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- 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;
- residents' questionnaires;
- evidence from local councillors; and
- evidence obtained through local consultation.

Effect of Special Policies

7.5 A cumulative impact policy creates a rebuttable presumption that those applications within the designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

7.6 An applicant wishing to obtain a new or varied licence for premises falling within any cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the Council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

7.7 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

7.8 Despite the presumption against grant, responsible authorities and other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its cumulative impact policy. The Licensing Authority, in its role as a responsible authority may make a representation to any application received in respect of a new premises licence or a full variation of an existing premises licence, in a cumulative impact area. This representation will include the latest evidence in relation to that cumulative impact policy area. Any other representations, from responsible authorities and members of the public, which are based on the negative effects of cumulative impact will stand in their own right, but will also support and strengthen the licensing authority representation.

7.9 The Council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved

Rebutting the presumption against grant in a Cumulative Impact Policy area

7.10 When considering the presumption against grant in a CIP area, the Council will need to be satisfied that the grant will not impact on the cumulative impact of existing licensed premises in the area. Applicants will often suggest measure which they assert will demonstrate there will be no impact.

7.11 Examples of factors the Council may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate before midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.

7.12 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run, as all licensed premises should meet

this standard

- That the premises will be constructed to a high standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

7.13 Any relevant representation of support will be taken into consideration by the Council when making its determination.

Cumulative Impact Policies (CIPs)

7.14 Following the consultation process, as described in Section 1 of this policy, the Council is adopting a special policy, if representations are made, of refusing all licence applications in the areas of Doncaster Borough detailed below, if, by granting them, they would contribute to the cumulative impact on the area that the Licensing Authority wishes to mitigate. Applications made for premises licences within the adopted Cumulative Impact Areas will be based on the individual merits of each application, and if the application is unlikely to significantly add to this cumulative impact, then the licence may be granted.

7.15 Reference to 'all licensed premises' refers to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on and off the premises, and the provision of late night refreshment.

7.16 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises is being operated, representations would be considered and determined in respect of the four licensing objectives. However the special policy may be a justification to refuse an application to vary a licence or certificate.

7.17 The Council recognises the difference between cumulative impact and commercial need of premises in an area. Need is a matter for the Council's planning committee and market forces and is not a matter for the Council to consider as part of its licensing function.

7.18 The Council will not operate a quota of any description, including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community. Similarly, the consideration of an application in a designated area will not include a mandatory closing time for the entire area.

Area 1 – Doncaster Town Centre

7.19 Historically, a major concern for Doncaster town centre is the impact on policing the night time economy due to the concentration of licensed premises.

7.20 The Council is aware of local initiatives involving partnership working between the Council, Police and other statutory/voluntary bodies. However, the prevalence of crime continues to be a cause for concern in some areas of the Doncaster town centre.

7.20 The Council first adopted a Cumulative Impact Policy (CIP) in January 2008 covering part of the Doncaster town centre. These areas of the town centre which continue to cause concern to local agencies and the Police have again been identified as a Cumulative Impact Area. Following the consideration of evidence supplied by the Police and the Director of Public Health the existing area will be retained with the inclusion of 2 additional streets/areas. The

area is as detailed below:

- Bradford Row
- Cleveland Street
- Hall Gate
- High Street
- Market Place
- Priory Walk
- Silver Street

Area 2 – Part of the Wheatley Ward

7.21 Following the consideration of evidence from the Director of Public Health, identifying the area to be experiencing high rates of violence, criminal damage and antisocial behaviour, the following area has been designated as a Cumulative Impact Area:

- Broxholme Lane
- Christ Church Road
- Copley Road
- Highfield Road
- Nether Hall Road

Area 3 – Bawtry Town Centre

7.22 Following the consideration of evidence from Bawtry Town Council, identifying specific concerns of nuisance and anti-social behaviour believed to be related to persons frequenting licensed premises, and the evidence from 2 local authority councillors for the Rossington and Bawtry ward, the area below area has been designated as a Cumulative Impact Area. This designation will be reviewed after 2 years.

- Church Street
- Grasswood Lane/Dower House Square
- High Street
- Market Place
- Scot lane
- Swan Street
- Wharf Street

Section 8 - Early Morning Restriction Order

8.1 The power conferred on licensing authorities to make, vary or revoke an Early Morning Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003. The government has provided guidance as part of the S182 Guidance to Licensing Authorities.

8.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

8.4 It is the Council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

8.5 An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

8.6 It is anticipated that any request to consider introducing an EMRO would be referred to the Licensing Office where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee for consideration. Ultimately it would be for full Council to approve the final order.

Current Status

8.7 There are currently no EMROs in place in the geographical area administered by Doncaster Council.

Section 9 – The Late Night Levy

9.1 The late night levy is a tool conferred on licensing authorities by provision in the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising a contribution towards the costs of policing the late-night economy.

9.2 The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period beginning at or after midnight and ending at or before 6am.

9.3 The decision to introduce the levy is for a licensing authority to make should it consider it appropriate to do so. The licensing authority would be expected to consult with the chief officer of police and police and crime commissioner.

9.4 Local residents can use existing channels and forums to put forward views and call for the implementation or not of the levy in their area.

9.5 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.

9.6 The decision to introduce, vary or end the requirement for the levy must be made by the full Council. Other decisions in relation to the introduction and administration of the levy may be delegated in the manner which the licensing authority considers most appropriate.

9.7 A late night levy can only be introduced following a statutory consultation with all parties affected including licence holders and the Council must take into account any representations made.

Current Position

9.8 There is currently no late night levy applied in the Doncaster Council area.

9.9 Any future consideration of a late night levy will be made in accordance with the relevant legislation and Home Office Guidance (Appendix 1).

Section 10 - Personal Licences

10.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.

10.2 The Council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 10.7 to 10.9 on the role of the 'Designated Premises Supervisor'.

10.3 The Council recognises it has no discretion regarding the granting of personal licences where:

- the applicant is 18 or over,
- possesses a licensing qualification,
- has not had a licence forfeited in the last five years and
- has not been convicted of a relevant offence.

10.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant must also be able to produce evidence of the relevant qualifications.

10.5 Applicants must produce a Criminal Record Bureau certificate along with the application form. The certificate must be current and comply with the regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.

10.6 Where the application discloses relevant unspent convictions the Council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged the applicant is entitled to a hearing before the Council. If the police do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the Council must grant it.

10.7 The Council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

Section 11 - Temporary Event Notices.

11.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or TEN).

11.2 Temporary event notices are subject to various statutory limitations summarised below:

- the number of times a premises user may give a TEN in a calendar year;
- the number of times a TEN may be given for any particular;
- the maximum duration of an event authorised by a TEN;
- the maximum total duration of the events authorised by TENs in relation to individual premises;
- the maximum number of people attending at any one time; and
- the minimum period between events authorised under separate TENs in relation to the same premises by the same premises user.

Up to date details of the statutory limitations can be obtained from the Licensing office.

10.3 The most important aspect of the TEN system is that no permission is required for these events from the Council. In general only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

10.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups all of which may stage public events to raise funds, at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

10.5 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. Where the required notice period is not given it will be returned as void and the activities to which it relates will not be authorised.

10.6 The Council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.

10.7 The Council will, on request, provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

Police and/or Environmental Health Intervention

10.8 The Act provides that the police or Environmental Health may, within the prescribed period, issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The issuing of such an objection notice requires the consideration of the objection by the Council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN will not be valid and the event will not go ahead as there is no scope for a hearing.

10.9 The ability of police and EH to serve such a notice is a further reason why event organisers are strongly encouraged by the Council not to rely on giving the minimum amount of notice and to contact the local police and EH at the earliest possible opportunity about their proposals.

Additional limitations

10.10 The Council, on receiving a TEN, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.

10.11 The Act defines an associate as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person; or
- an agent or employee of that person;
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

10.12 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

Section 12 - Enforcement and Reviews

12.1 The Licensing Act contains measures to ensure that the Council and responsible authorities are able to deal with premises that wilfully and persistently undermine the licensing objectives. The Council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.

12.2 The Council recognises that a system of coordinated enforcement with the police and other authorities assists enforcement and allows authorities to deploy resources more efficiently.

Detection and Prosecution of breaches

12.3 It is the policy of the Council to adopt a multi-agency approach to the detection and prosecution of offences under the Licensing Act. It is the policy of the Council that, in the first instance, it will be for the most appropriate authority e.g. the police for matters that relate to crime and disorder, environmental health for matters that relate to nuisance etc. to lead the investigations at problem premises. The policy of joint-enforcement provides for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch to low risk premises or those that are well run.

12.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental health and trading standards also have their own powers.

12.5 The Council has adopted the principles of risk assessment and targeted inspection. Inspections of licensed premises are not undertaken routinely but when and if they are judged necessary. This ensures that resources are used efficiently and, for example, are more effectively concentrated on problem premises. In all cases the key principles of consistency, transparency and proportionality will be maintained.

Reviews of Licences

12.6 The Council recognises that the ability of the police, other responsible authorities and other persons to apply for a review of a premises licence is an incentive to effective self-regulation.

12.7 On receipt of a relevant request to carry out a review the Council has a range of options available to it under the Act. These include:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

12.8 The Council will seek to establish the cause or causes of the concerns that the representations identify. The remedial action will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Reviews arising in connection with crime

12.9 When considering a review request or the possibility of enforcement action the Council will take into account all relevant circumstances. There is certain criminal activity that may arise in connection with licensed premises which will be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

12.10 It is envisaged that the responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following persistent sales of alcohol to children

12.11 Where persistent sales of alcohol to children have occurred at premises and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence it is expected that responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under or a closure notice has been given under the 2003 Act. In determining the review the Council will consider revoking the licence if it considers this appropriate.

Section 13 – Administration, exercise and delegation of functions

13.1 The 2003 Act provides that the functions of a licensing authority (including its determinations) are to be carried out by its licensing committee (except those relating to the making of its Statement of Licensing Policy). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officers of a licensing authority. It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness.

13.2 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection for a personal licence or relevant objection to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.

13.3 Membership and the terms of reference for the Licensing Committee will be established at Annual General Meeting of the Council.

13.4 The Licensing Committee will agree the appointment of a Licensing Sub-Committee and the delegation of functions annually at its inaugural meeting.

13.5 Details of all committee meetings, agendas and minutes including the delegation of functions will be published on the Council's website.

Appendix 1 Further reading and useful information

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 available on the DCMS Website at www.gov.uk/S182 Guidance
- ICO Code of Practice for CCTV (In the picture) 2015
- <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- Home Office Guidance to Mandatory Conditions www.gov.uk/mandatory-conditions
- The Event Safety Guide – A guide to health safety and welfare at music and similar events (HSE 1999) (“The Purple Guide”) ISBN 0 7176 2453 6 (due to be updated in 2013)
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997)(“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org
- The Portman group website at www.portman-group.org.uk
- The British Beer and Pub Association at www.beerandpub.com
- The Alcohol Strategy, Home Office
- Government website aimed at tackling anti-social behaviour www.together.gov.uk
- Safer clubbing guide available at www.drugs.gov.uk
- Home Office Guidance to Late Night Levy
www.gov.uk/government/publications/amended-late-night-levy-guidance