



Statement Of Licensing Policy

Adopted 11 December 2007

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1.0 Overview/Introduction

1.1 Introduction

1.1.1 Blaby District Council makes this statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 (referred to throughout this document as “the Act”). It explains how the Licensing Authority will carry out its role under the Act .

1.1.2 The District is made up of a diverse mix of clearly defined settlements, the northern most part of the District is predominantly urban in character but towards the south it is a rural and mainly agricultural area. The District has a population of approximately 91,500 residents.

1.1.3 Meridian Leisure Park has a multi-screen cinema, bowling alley, fitness centre and numerous restaurants. Nearby is Fosse park which is a retail park. There are larger parish centres within the District being Blaby, Braunstone Town, Countesthorpe, Glenfield, Narborough and Whetstone.

1.2 Overview of licensing

1.2.1 The Act makes provision for the licensing of premises for the retail sale of alcohol, entertainment or late night refreshment (**premises licences**). The supply of alcohol or the provision of regulated entertainment in certain clubs (**club premises certificates**), and the permitting of certain licensable activities on a temporary basis (**temporary event notices**).

1.2.2 Blaby District Council has responsibility under the Licensing Act 2003 for licensing pubs, clubs, off-licences and any additional alcohol, regulated entertainment and late night refreshment related activities. Blaby District Council (referred to throughout this document as "the Licensing Authority") is also responsible for licensing the people who manage such activities (personal licences). Under the licensing system, there will be local consultation and local elected representatives will decide all applications where relevant representations are made, with rights of appeal for applicants and parties who make representations to the courts.

1.3 Licensable activities

1.3.1 Any premises where the following licensable activities are carried out will require a premises licence:

- the sale of alcohol by retail
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club
- the provision of late night refreshment (hot food or drink between 11 p.m. and 5 a.m.)
- the provision of "regulated entertainment" in the presence of an audience

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

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (but not incidental music such as a piano and pianist in a restaurant)
- any playing of recorded music
- a performance of dance
- or entertainment of a similar description to live music, recorded music or dance.

1.3.3 The people involved in managing or supervising the sale or supply of alcohol under a premises licence will themselves need a **personal licence** (there could be a pool of personal licence holders for any given premises). One of these personal licence holders needs to be registered as the **designated premises supervisor** for the premises. A personal licence is not required where alcohol is not sold or supplied (e.g. for a cinema without a bar). A personal licence is not required for the sale or supply of alcohol under a club premises certificate or a temporary event notice. If a club or temporary event is also covered by a premises licence, the need for a personal licence holder's authorisation will depend on which licence/permit is being relied on to make a particular transaction.

1.3.4 Personal licences are portable; i.e. a licence granted by one Licensing Authority is valid in another Licensing Authority's area.

1.4 Policy

1.4.1 The Act also requires Licensing Authority to publish a licensing policy statement after consultation with responsible authorities and to keep it under review and must review the policy at least every three years.

1.4.2 The purpose of this document, being the Licensing Authority's licensing policy statement is to set out the policies the Licensing Authority will normally apply to meet the licensing objectives when making decisions on any licence application under the Act.

1.4.3 In general, unless otherwise stated, a reference in this policy to a licence will also include a club premises certificate and/or a temporary event notice. Unless the context clearly requires to the contrary, the term "licensee" means the holder of a premises licence, club premises certificate, provisional statement or interim authority. The term "applicant" should be similarly construed.

1.4.4 Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Act to make regulations (Sec. 5) and issue guidance (Sec. 182).

1.4.5 This policy must be read in conjunction with the Licensing Act 2003, the various statutory instruments issued under the Act and the statutory guidance issued under section 182. These other documents are not

reproduced in full here (Act available from www.culture.gov.uk or the Licensing Team) and any summary of the law in this policy statement should not be taken as definitive. Numerous historic laws on licensing are now repealed.

- 1.4.6 While this policy will be used as local guidance, any policy must allow for exceptions. All licensing decisions will be made on the merits of the individual case, having regard to this policy and to the statutory guidance, and with a view to promoting the four fundamental "licensing objectives".

1.5 Fundamental licensing objectives

- 1.5.1 The Licensing Authority will carry out its functions with a view to promoting the licensing objectives, which carry equal importance, these are:

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

1.6 Secondary objectives

- 1.6.1 In carrying out its licensing functions, there are a number of other issues (not prescribed by law) which the Licensing Authority will seek to promote where this would not conflict with the fundamental licensing objectives set out above. These are:

- the promotion of best practice
- working in partnership with other local licensing authorities
- working in partnership with other local agencies, with the licensed trade, with other local businesses and with local communities
- the promotion of the Licensing Authority's own high level objectives:
 - a) Providing **quality** and **value for money** in all our services.
 - b) Encouraging **civic pride** and **responsible citizenship**.
 - c) Maintaining good conditions for a **vibrant economy**.
 - d) Protecting the **environment**.
 - e) Creating the right conditions for people to lead **healthy lives**.
 - f) Considering **everyone's needs** when we design and deliver our services.
 - g) Investing in our **staff** – our organisation's most important asset.
 - h) Working in **partnership** with other organisations – where it can boost our efforts to improve things for local people.

1.7 Purpose of the policy

- 1.7.1 This Statement of Licensing Policy is designed to provide guidance for everyone who is involved in or affected by the licensing of alcohol, entertainment and late night refreshment in the Licensing Authority's area. This includes:

- **applicants for all types of licence** (premises/personal) - to help applicants to understand the process and the considerations to be taken into account.
 - **applicants for premises licences** - to help applicants to draft an appropriate operating schedule with conditions and measures in line with the four licensing objectives.
 - **organisations or individuals planning events** - to indicate whether a licence is likely to be needed and how to go about obtaining one
 - **statutory agencies** (police, fire, relevant council departments etc.) - to indicate how the Licensing Authority and the other statutory agencies will co-operate to achieve their respective objectives in areas of common concern, particularly in the areas of prevention, monitoring and enforcement; to indicate which of the agencies will "lead" on each of the four fundamental licensing objectives.
 - **residents and businesses in the neighbourhood** of premises which have an existing licence or require a licence, and their **representatives** (e.g. ward councillors) - to inform local people of their rights to be consulted, to make representations, to apply for reviews of existing licences; to indicate those types of representations which are likely to be relevant and those which are not; to explain how the Licensing Authority and the other relevant statutory agencies will work together on licensing issues for the benefit of the local community, and to outline the limits of the licensing regime.
 - **licensing decision-makers** - to provide guidance to all the relevant Council officers dealing with applications and to the Licensing Committee and Licensing Sub Committees deciding contentious applications; to provide guidance to the courts in dealing with any appeal from a decision of the Licensing Authority.
- 1.7.2 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits, nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Act.
- 1.7.3 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matter occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 1.7.4 Licensing law is not a mechanism of the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

1.8 What this licensing policy covers

1.8.1 This policy deals with how the Licensing Authority will promote each of the four fundamental licensing objectives and how it will deal with the other key themes such as flexible licensing hours and the cumulative impact of a concentration of licensed premises in an area.

1.8.2 Published together with this licensing policy but not forming part of this policy are a number of other documents. The following documents are available from the website www.blaby.gov.uk or the Licensing Team.

- The rules and processes for Personal Licences and Designated Premises Supervisors and the relevant considerations in dealing with them.
- The rules and processes for the various types of Premises Licence, how representations are made and dealt with, and what is required in an operating schedule.
- The rules and processes for Club Premises Certificates, how representations are made and dealt with, and what is required in an operating schedule.
- How temporary events are licensed.
- How provisional licences are obtained and when they are required.
- The rules and processes for varying or transferring Premises Licences and Club Premises Certificates.
- How to apply for an Interim Authority on the death, mental incapacity or insolvency of a licence holder.
- How to ask the Licensing Authority to carry out a review of an existing Premises Licence or Club Premises Certificate, and the rules and processes that will be followed in such a review.
- Who is responsible for each part of the licensing process, how the Licensing Sub Committees work and how appeals are made and dealt with by the courts.
- Who is responsible for enforcing the provisions of the Licensing Act, how this relates to other enforcement regimes and how the relevant agencies will work together on enforcement.

1.9 What is not covered by this policy.

1.9.1 The Council's licensing function does not operate in a vacuum, and there will inevitably be a high degree of overlap between licensing and other areas of regulation such as development control (planning), controlling noise nuisance, health and safety, hygiene, building safety and so on. These areas generally fall within the local authority's remit but involve other agencies such as the Health & Safety Commission or the Environment Agency. In the area of crime & disorder prevention, there will be an even greater overlap between the licensing regime and the powers of the police.

1.9.2 In carrying out its powers and duties under the Licensing Act (including the setting of this policy), the Licensing Authority can only deal with licensing

issues and will avoid duplicating the requirements of other legislation. For example, if another piece of legislation states that a building must have a fire risk assessment, the Licensing Authority will not make it a condition of a licence that the premises has a fire risk assessment - as is already covered elsewhere.

- 1.9.3 It is also important to note that the Licensing Authority can only impose extra conditions (beyond any put forward by the applicant) if there have been "relevant representations" on an application or on a review of a licence. If no representations are received, the Licensing Authority must grant the licence subject only to the conditions outlined in the operating schedule - even if the application is totally contrary to everything the Licensing Authority is trying to promote in the Statement of Licensing Policy.
- 1.9.4 Clearly, the Licensing Authority will work with applicants to try to ensure that appropriate conditions are put forward by the applicant, and will rely on other statutory agencies and the public to make representations where they are not happy with what is proposed. A number of conditions are mandatory and are required to be applied to licences. These conditions are set out in Sections 19, 20 and 21 of the Act. In addition, Section 73 and 74 of the Act requires conditions to be imposed on club premise certificates (where applicable).

1.10 Consultation about this policy

1.10.1 The Licensing Authority is required by law to consult with the following organisations before adopting a Statement of Licensing Policy (and on any review of the policy):

- the Chief Officer of Police
- the Fire and Rescue Authority
- Persons/bodies representing local holders of premises licences
- Persons/bodies representing local holders of club premises certificates
- Persons/bodies representing local holders of personal licences
- Persons/bodies representing businesses and residents in the area
- any other groups that the Licensing Authority considers appropriate

1.10.2 The Licensing Authority has therefore consulted with the following organisations and individuals about this policy:

- the Police
- the Fire and Rescue Authority
- District Councillors
- Parish Councils
- all existing licensees
- local businesses
- local residents
- bodies representing the licenced trade

1.11 Revision & Review

1.11.1 The Statement of Licensing Policy is valid for a three-year period from 07 January 2008. During that period, the Licensing Authority will keep the policy under review and may make such changes, as it thinks appropriate. Before making any changes, the Licensing Authority will carry out consultation in accordance with paragraph 1.10 above (the organisations may differ from the previous consultation).

Part 2 – Key Themes

2.0 Promotion Of The Licensing Objectives

- 2.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives.
- 2.2 Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.
- 2.3 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:
- Prevention of Crime and Disorder – Leicestershire Police, Blaby District Crime Reduction Partnership
 - Public Safety – Leicestershire Police, Leicestershire Fire and Rescue Service, Blaby District Environmental Health Section
 - Public Nuisance – Blaby District Environmental Health Section
 - Protection of Children from Harm – Local Safeguarding Children Board, Leicestershire Police
 - A guide on how to produce an operating schedule to meet the requirements of the responsible authorities is available for the Licensing Authority or can be obtained from the Councils' website: www.blaby.gov.uk.

3.0 Preventing Nuisance

- 3.1 The Licensing Authority is committed to minimising the loss of “personal amenity” in the District by working in close partnership with Leicestershire Police, Environmental Health and licensees.
- 3.2 The Licensing Authority considers that a risk assessment should be carried out by applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises.
- 3.3 The Licensing Authority intends to interpret “loss of amenity” in its widest sense, and takes it to include such issues as noise, light, odour, and litter and anti-social behaviour. Where these matters impact on those living, working or otherwise engaged in normal activity in an area, with particular regard to noise-sensitive areas, e.g. nursing homes, hospitals or places of worship, where representations are made the Licensing Authority will apply such additional conditions as necessary.
- 3.4 The Licensing Authority will seek to protect the reasonable rights of residents and businesses in the vicinity of licensed premises – ‘Vicinity’ being the area around the licensed premises. Whether or not incidents can

be regarded as being “in the vicinity” of licensed premises or places is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the courts may ultimately decide the question. In determining such applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.

- 3.5 The Licensing Authority is committed to promoting the District’s Cultural Strategy and recognises the importance of its culture, leisure and local economy to promote live music, dancing and theatre for the wider cultural benefits of the community as a whole.
- 3.6 In considering applications, the Licensing Authority will expect to see evidence that the following matters have been addressed in the Operating Schedule:
- (a) Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises. This would include music, ventilation equipment noise and human voices, whether or not amplified.
 - (b) Measures taken or proposed to be taken to prevent unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
 - (c) Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity.
 - (d) In the absence of locally available public transport, sufficient provision for access to taxis and private hire services.
- 3.7 The Licensing Authority will need to be satisfied that the type of Regulated Entertainment provided will be suitable for the location in which the premises is situated. The operating schedule must specify all categories of regulated entertainment to be provided, following the categories set out in Schedule 1 of the Act (see para 1.3.2 of this policy). Due to the different considerations that will apply in such cases, the operating schedule must also specify:
- (a) whether any musical entertainment will include amplified music;
 - (b) the proposed nature of the indoor sporting event(s); and
 - (c) whether members of the public are to be allowed to participate in the entertainment otherwise than as audience/ spectators.

Any change to the categories of entertainment to be provided will require a formal variation of the licence.

- 3.8 Where applicable, in order to control access to and egress from the premises during events to prevent public nuisance, the Licensing Authority will attach the mandatory condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority.

4.0 Preventing Crime & Disorder

- 4.1 The Licensing Authority is committed to reducing crime and disorder across the District through its statutory duty under the Crime and Disorder Act and the Community Safety Strategy. In addition the Licensing Authority is committed to further improving the quality of life for the people of Blaby District by continuing to reduce crime and the fear of crime.
- 4.2 National and local crime statistics evidence that the consumption of alcohol can be a significant contributory factor to levels of crime and disorder. Good management, practice and procedures in licensed premises can and do make an important contribution to lessening the impact.
- 4.3 The Licensing Authority and Leicestershire Police through the Blaby District Community Safety Partnership will regularly monitor and review crime statistics within the District and their association with alcohol. Applicants for new licences or existing licences under a review process will need to consider reasonable steps to reduce Crime and Disorder in their Operating Schedule.
- 4.4 Although there is not currently a local Pub and Drug Watch Scheme in the Blaby District, the Licensing Authority will look to work in partnership with any such schemes in the future to support licence holders to actively prevent crime and disorder issues and to form strategies to reduce current levels. Strategies which have been developed in other local authorities areas have been to seek to address matters such as under age sales, problems associated with drunken individuals, prevention of use of drugs and violent and anti-social behaviour.
- 4.5 In considering licensing applications, the Licensing Authority will expect applicants to address in particular the following:
- (a) The capability of the person who is in charge to run the premises during trading hours or when Regulated Entertainment is provided.
 - (b) What steps have been taken or will be taken to ensure staff are trained in crime prevention.
 - (c) What measures have been taken or will be taken to raise staff awareness and discourage and prevent the use and/or dealing of drugs on the premises including the reporting of incidents to the Police Authority.
 - (d) What features are currently in place or planned for physical security at the premises. (As a preventative measure in the planning process, all new applicants must liaise with the Leicestershire Police Crime Reduction Team in order to satisfy the requirements of the crime and disorder objective).
 - (e) Where appropriate how licence holders propose to work in partnership with the Licensing Authority, Police and others to prevent

crowds emerging from premises at the same time and to control the migration of large groups of people in search of premises opening later

- (f) What arrangements will be put in place in respect of the adoption and use of a recognised or appropriate proof of age scheme.
 - (g) What measures will be taken for the prevention of violence or public disorder.
- 4.6 Applicants will be expected to address in their Operating Schedule all aspects relevant to the individual style and characteristics of their premises and proposed events and activities.
- 4.7 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have considered and taken action to rectify those issues.
- 4.8 In the interests of the Public Safety and the Crime and Disorder Licensing Objectives, the Licensing Authority may require in certain circumstances, that where alcohol is consumed in certain designated areas, provision is made to ensure that glasses, bottles and other drinking containers will be of a type which, when broken do not cause the remnants to be used as a weapon.
- 4.9 The Licensing Authority will refer to the police as appropriate any information received which would assist the police in determining whether premises should be subject to a police closure order or any other enforcement action.
- 4.10 The Licensing Authority reserves its right to use its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime Disorder Objectives.
- 4.11 Not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such a licence holder. This is because of the impact of the sale and supply of alcohol on the wider community and on crime and anti-social behaviour. It is advised that in order to prevent this licensing objective being undermined by the sale or supply of alcohol under “authorisation” from a personal licence holder who is, in effect, an “absentee landlord”, the “authorisation” should be renewed on a daily basis for each person so authorised. It is suggested as best practice for authorisations to be in writing and directed to each member of staff by name. This will not apply where a personal licence holder is physically present at the time of sale, nor in an emergency.

5.0 Ensuring Public Safety

- 5.1 Members of the public have the right to expect when visiting licensed premises that due consideration has been taken of needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol, late night refreshment or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to

protect members of the public and the commercial interests of neighbouring premises.

- 5.2 The Licensing Authority is committed to ensuring public safety across the District, by working in close partnership with Leicestershire Police, Fire and Rescue and Licensees.
- 5.3 Most premises are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and Fire Safety legislation aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.
- 5.4 Where applicable, (e.g. large-capacity premises remaining open after midnight), the Licensing Authority will consider the attachment of the mandatory condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority to control the access and egress from the premises during events to ensure public safety.
- 5.5 Applicants are advised to demonstrate through their operating schedule that their proposals will not have a negative impact on public safety.
- 5.6 The operating schedule must specify all categories of regulated entertainment to be provided, following the categories set out in Schedule 1 of the Act (see para 1.3.2 of this policy). Due to the different considerations that will apply in such cases, the operating schedule must also specify:
 - (a) whether any musical entertainment will include amplified music;
 - (b) the proposed nature of the indoor sporting event(s); and
 - (c) whether members of the public are to be allowed to participate in the entertainment otherwise than as audience/ spectators.

Any change to the categories of entertainment to be provided will require a formal variation of the licence.

- 5.7 Applicants should consider ensuring suitable measures are in place for current and future staff to be trained in matters relating to public safety.
- 5.8 Applicants may need to consider what arrangements they will put into place to ensure that litter does not cause a nuisance, health hazard to the public or a fire hazard to the vicinity generated by the activity of the premises.
- 5.9 Where dancing is permitted as a licensable activity, it is advised that a free supply of drinking water be provided in the interests of preventing dehydration.
- 5.10 The Licensing Authority is concerned to prevent irresponsible drinks promotions and encourages the adoption locally of voluntary industry

codes of practice such as the BBPA's Guidelines on On-Trade Promotions. If a link was demonstrated between irresponsible drinks promotions at a particular premises and levels of crime and disorder, nuisance or public safety problems, the Licensing Authority may impose a condition on the premises licence prohibiting irresponsible drinks promotions and/or the discounting of prices of alcoholic beverages if relevant representations were made in respect of this concern.

6.0 Protection Of Children From Harm

6.1 General

- 6.1.1 Protecting children from harm is one of the fundamental licensing objectives. As such, the Licensing Authority will endeavour to ensure that issues relating to the protection of children are fully taken into consideration by all parties involved in the licensing system. "Children" for these purposes means anyone under the age of 18.
- 6.1.2 The Local Safeguarding Children Board will be the lead authority for child protection issues. Unless a relevant representation is made, the Licensing Authority cannot go beyond what the applicant himself puts forward in the operating schedule. In the light of the Laming report, all statutory consultees will therefore be expected to make representations whenever they have any concern for the welfare or protection of children in respect of any premises licence/application or in respect of any personal licence holder/applicant.
- 6.1.3 In the event of concerns about a personal licence holder/applicant or someone working at licensed premises, the person should contact the Police licensing contact (see Appendix B), as the Licensing Authority is only allowed by law to take into account police objections in relation to personal licences.
- 6.1.4 Licences will be sought for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-away, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 6.1.5 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. While each case will be judged on its own merits, the following types of licensable activity are likely to give rise to particular concern for the protection of children. Where these or similar activities are to take place at premises to be licensed, the Licensing Authority would expect the applicant when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate to explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises. The activities include:

- (a) Where entertainment or services of an adult or sexual nature are commonly provided;
- (b) Where the premises have a reputation for underage drinking;
- (c) Where current or intended staff at the premises have convictions for serving alcohol to minors or for other matters relating to children;
- (d) Where the premises have a known association with drug taking or dealing;
- (e) Where there is a strong element of gambling on the premises (but not simply a small number of cash prize gambling machines);
- (f) Where the premises are situated in the immediate vicinity of a school or college;
- (g) Where the premises or the immediate vicinity of the premises is known to be a focal point for children and young people under 18 to congregate;
- (h) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

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

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

- (a) Limitations on the hours where children may be present;
- (b) Age limitations (below 18);
- (c) Mandatory "proof of age" scheme;
- (d) Limitations or exclusions when certain activities are taking place;
- (e) Requirements for an accompanying adult;
- (f) In exceptional cases, exclusion of people under 18 from the premises when any licensable activities are taking place.

6.2 Licensing for Alcohol on the Premises and Unaccompanied Children on the Premises

6.2.1 It is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It is also an offence to permit the presence between midnight and 5 a.m. of children under 16 who are not accompanied by an adult at any premises supplying alcohol for consumption on the premises.

6.3 Children and Cinemas

6.3.1 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the Licensing Authority. Children will not be permitted to view uncertified films.

6.4 Children and Public Entertainment

- 6.4.1 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee should have a Child Protection Policy in place to carry out suitable checks on staff before they take up employment. In addition, they will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises.
- 6.4.2 The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor. Any premises which have Internet access facilities must have adequate control settings put in place so that web sites which are not suitable for use by children are permanently blocked.

7.0 Licensing Hours

7.1 General

- 7.1.1 In making decisions about the hours for which a premises is licensed, consideration will be given in particular to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 7.1.2 It is recognised that varied licensing hours is important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. The Licensing Authority will aim to reduce these concentrations and to achieve a more gradual dispersal through a policy of flexible opening hours, i.e. there will no longer be a single fixed closing time for all premises in a particular area.
- 7.1.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.

7.2 Representations

- 7.2.1 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. Residents of one particular area will not be treated any more or less favourably than residents of another area, except that:

- (a) the Licensing Authority will take into account the density of residential accommodation in an area;

- (b) the Licensing Authority will have regard to any local premises whose users are particularly vulnerable to noise and disturbance, e.g. a hospital or residential home for the elderly;
- (c) when deciding whether or not to adopt, amend or remove a saturation policy, the Licensing Authority may treat residents of the area subject to the policy differently from other areas;
- (d) when a saturation policy is in force, the general policy of treating areas equally will read as being subject to the saturation policy, which by definition will treat areas differently.

7.2.2 Where there is a history of problems of noise, disturbance or disorder at premises to be licensed, the Licensing Authority is likely to receive from the police, environmental health department and ward councillors representations and in such circumstances the applicant should consider putting forward counter-measures in the operating schedule. Unless a relevant representation is made, the Licensing Authority cannot go beyond what the applicant themselves puts forward in the operating schedule.

7.3 Zoning

7.3.1 Fixed trading hours will not be set for particular geographical areas (the Licensing Authority is not allowed to operate compulsory "zoning"). However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

7.3.2 The Government also considers that zoning risks treating residents and persons involved in business in one area preferentially over others simply because they have chosen to live in busy central areas of towns and cities.

7.4 Special Occasions

7.4.1 Special occasions which can be foreseen (such as bank holidays) should be included by the applicant within the operating schedule. If not, the applicant can apply for a variation of the licence, but this will incur an additional fee and will need to be separately consulted upon, or alternatively they could serve a Temporary Event Notice.

7.4.2 The Licensing Authority does not have the power to grant area-wide special exemptions or extensions to licensing hours. These will generally relate to one-off national events (the Millennium, the Golden Jubilee etc) and are therefore dealt with by the Secretary of State. Where an area-wide festival or occasion of special local significance is likely to be marked by a number of licensed premises each wishing to extend their normal operating hours, this can be achieved in two ways.

7.4.3 Firstly, each premises could apply for a variation to mark the event, but each application to vary would need to be accompanied by a fee and would need to be advertised in the usual way. The second option would be to serve a Temporary Event Notice.

8.0 Cumulative Impact

8.1 Adopting a special saturation policy

8.1.1 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 areas the Licensing Authority may consider that an area has become saturated. In these circumstances, where representations are made from a responsible authority such as the police or interested party, such as local residents, the Licensing Authority may consider whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. If this is the case it may adopt a special saturation policy, which would allow it to refuse new licences because the area in question is already saturated with licensed premises.

8.1.2 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” is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy. 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.

8.1.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it would continue to consider each application properly on its merit and for licences that are unlikely to add significantly to the problems of saturation, the application would be approved. In considering whether to adopt a special saturation policy, the Licensing Authority will take the following steps:

- (a) identification of concern from a responsible authority or representatives or residents about nuisance and disorder;
- (b) assessment of the causes;
- (c) where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area; and
- (d) adopting a special policy, as provided for in this statement, about future licence applications from that area.

8.2 Representations

8.2.1 When considering whether to refuse an application because of a special saturation policy, it will be for an objector to a particular application to lay the necessary evidence that the granting of the licence would produce the cumulative impact as described above. The authority acknowledges that the impact will be different for premises with different styles and characteristics.

8.3 Review

- 8.3.1 The authority will review any special saturation policy every 3 years in line with a review of this policy statement.

8.4 Restrictions on saturation policies

- 8.4.1 Any special saturation policy will not be used to:

- (a) remove a licence when representations are received about problems with an existing licensed premises;
- (b) justify the rejection of modifications to a licence except where those modifications are directly relevant to the policy;
- (c) examine issues about the "need" for further licensed premises, which is a matter for market forces and not for the licensing regime;
- (d) indirectly fix a terminal hour for premises licences in a particular area;
- (e) adopt quotas that pre-determine the individual merits of any application.

8.5 Other mechanisms available

- 8.5.1 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues, including:

- (a) Planning law controls
- (b) Banning consumption of alcohol in public places
- (c) Police enforcement of existing laws on anti-social behaviour
- (d) Confiscation of alcohol in designated areas
- (e) Police powers to close licensed premises for up to 24 hours on grounds of disorder, likely disorder or excessive noise
- (f) Powers to seek review of premises licence

9.0 Tourism & Local Economy

- 9.1 The Licensing Committee will receive copies of reports concerning the local tourist economy and the cultural strategy for the District whenever the relevant cabinet portfolio holder presents them to the Licensing Committee. The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.

- 9.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits. The Council as landowner (not as Licensing

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Authority) intends to apply for premises licences in its own name for appropriate community facilities in its ownership, to reduce the burden on others who wish to make use of community facilities for licensable events. The Council will encourage other public and voluntary sector landowners of community facilities (e.g. parish councils, the County Council) to adopt a similar approach.

- 9.3 As per paragraph 9.1 this could include, green spaces, parks, town centre etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.

Part III – Integrating Strategies

10.0 Integrating Strategies

10.0.1 The Licensing Authority will seek to achieve integration with the strategy set out below and will consult with the appropriate organisations to achieve this.

10.1 Blaby District Community Safety Partnership

10.1.1 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Blaby District a safe and attractive area in which to live, work, study and socialise.

10.1.2 In making decisions, the Licensing Authority will consider the Blaby District Community Safety Strategy, especially relating to,

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

10.2 Planning

10.2.1 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Licensing applications will not be a rerun of any planning application and licensing decisions will not cut across decisions taken by the Development Control Committee or permission granted on appeal.

10.3 County Cultural Strategy

10.3.1 Blaby District Council is committed to working with its range of Cultural Partners.

10.3.2 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

10.3.3 The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of the cultural Strategy is “to invest in the development of cultural activity which contributes to the economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity”.

10.3.4 This licensing policy will operate in the spirit of the Cultural Strategy and the ICESCR. In doing so it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

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

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

10.4 Building Control

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

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

10.4.3 Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and enforcement of risk assessments.

10.5 Promotion of Equality

10.5.1 In developing this strategy, the Licensing Authority has recognised its responsibility under the Race Relations Act 1976, to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. This Licensing Policy therefore supports and is supported by the Licensing Authority's Corporate Equality and Diversity Policy.

10.5.2 The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

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

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

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

10.6 Disabled Access

10.6.1 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes

this opportunity to remind operators of premises of their duties under the Disability Discrimination Act 1995. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the service by a reasonable alternative means.

10.7 Transport

10.7.1 Transport Strategy is set out in the Leicestershire Local Transport Plan (LTP) under the new procedures; local highway authorities prepare a five-year plan integrating strategies that links all modes of urban and rural transport and currently runs until 2011. It is proposed to monitor the plans through annual progress reports to ensure they deliver the aims and objectives of regional planning guidance and Leicestershire's structure plan.

10.7.2 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided.

10.7.3 Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided.

11.0 Further Information

11.0.1 The Licensing Authority can only offer advice on the process for and progress of applications and as to whether particular activities fall to be licensed. If you require detailed advice on the requirements of the legislation and how it will affect your premises you may wish to seek your own independent legal advice.