



The Licensing Act 2003

Statement Of Licensing Policy 2011/2014

Adopted 14 December 2010

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1.0 Introduction

1.1 The Licensing Authority

1.1.1 Blaby District Council (the Licensing Authority) 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 93,400 residents (Source: Office for National Statistics for mid 2008).

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 large retail park which offers a choice of shopping and leisure. 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 opportunity to provide licensable activities on a temporary basis in certain circumstances (**Temporary Event Notices (TENs)**).

1.2.2 The objective of the licensing process is for a unified system of regulation to allow the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment to be conducted in a manner which promotes the licensing objectives. Under the licensing system, there will be local consultation and local elected members of the Authority will decide the outcome of 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/Club Premises Certificate or TEN:

- 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 supplied 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 formally named as the **designated premises supervisor (DPS)** 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 upon to make a particular transaction.
- 1.3.4 There is an exemption for Community premises (where they are predominantly made available for the benefit of the community) who may request to disapply the mandatory conditions which require a DPS to be named on a licence and Personal Licence holders to authorise alcohol sales. However, licences must be held by management committees (a committee or board of individuals with responsibility for the management of the premises) and they will become responsible for the supervision and authorisation of all alcohol sales made under their licence.
- 1.3.5 Personal Licences are portable throughout the country however the initial application for a Personal Licence must be made to the Licensing Authority where the applicant resides (at the time of application).

1.4 Policy

- 1.4.1 The Act also requires each Licensing Authority to publish a Licensing Policy that sets out the policies that the Authority will generally apply to promote the licensing objectives when making decisions under the Act. The policy has been prepared in accordance with the provisions of the Act and the guidance issued under Section 182 of the Act. The Policy will take effect on 7 January 2011 and will be reviewed as necessary (within the statutory limits).

- 1.4.2 In general, unless otherwise stated, a reference in this policy to a licence will include a Premises Licence, 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 and include all applications and notices available under the Act.
- 1.4.3 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 (Section 5) and issue guidance (Section 182).
- 1.4.4 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 (the Act is available at www.culture.gov.uk or www.opsi.gov.uk) and any summary of the law in this policy statement should not be taken as definitive.
- 1.4.5 Whilst 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 The Licensing Objectives

- 1.5.1 The Licensing Authority will carry out its functions with a view to actively 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

These objectives are the only matters which will be taken into account when considering and determining applications. Where the Licensing Authority receives relevant representations regarding an application from a “Responsible Authority” or “Interested Party”, it may consider attaching conditions to licences to promote the licensing objectives as necessary.

If no relevant representations are received by the Licensing Authority the licence will be granted in accordance with the requests and terms covered in the application; conditions will be proportionate and necessary to achieve the promotion of the relevant licensing objectives.

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;

- 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.

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/Club/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 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. The Authority will have regard to any impact on local residents and businesses, considering whether an individual's residence or business is likely to be directly affected by disorder and disturbance occurring on or potentially occurring on premises or immediately outside the premises.
- 1.7.4 Licensing law is not the primary mechanism for the general control of nuisance and 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. However licensing law is a key aspect for the successful control and management of the leisure and night-time economy in towns and city centres, therefore, the Authority would expect all licence holders (and Premises Users (TENs)) to be responsible for minimising the impact of their activities and the behaviour of their patrons on others within the vicinity of their premises.

1.8 What is covered by the licensing policy

- 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 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 advice and information is available from the Councils website at www.blaby.gov.uk or a member of 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 authorised.
 - How provisional licences are obtained and when they are required.
 - The rules and processes for varying or transferring Premises Licences and Club Premises Certificates (including Minor Variations).
 - How to apply for an Interim Authority on the death, mental incapacity or insolvency of a licence holder.
 - How to apply to 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 Executive 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 its 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. There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory;
- Proposed conditions are necessary for the promotion of licensing objectives and will be contained within the Operating Schedule of the application,
 - Imposed conditions will be considered when relevant representations have been received and will be applied to licences where it is considered necessary for the promotion or one or more of the four licensing objectives.
 - Mandatory conditions are contained within the provisions of the Act and apply to specific licence (depending upon the activities contained within the licence). Additional mandatory conditions came into force during 2010 and apply to all new and previously issued licences authorising the supply of alcohol. The statutory guidance issued under Section 182 of the Act now makes reference to these conditions.

1.10 Consultation

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

The Policy and future drafts for consultation will be placed on the Councils website which can be found at www.blaby.gov.uk. Letters will be sent to advise those who are considered to have an interest, informing them of this and that hard copies can be obtained on request if necessary. In addition a press release will be issued advising interested persons that the document is available for consultation. The consultation ran for 12 weeks, ending on 29 October 2010.

1.11 Revision & Review

1.11.1 The Statement of Licensing Policy is valid from 7 January 2011 and will be reviewed as necessary (within the statutory limits) . 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 (specific organisations may differ from the previous consultation).

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 are urged to discuss their proposals with the Licensing Authority and Responsible Authorities prior to submitting an application. This will enable them to seek advice when formulating their operating schedule and may avoid the need for a hearing in response to relevant representations made by Responsible Authorities. The Responsible Authorities are:

- Leicestershire Constabulary
- Leicestershire Fire and Rescue Service

- Blaby District Councils Environmental Protection Service
- Blaby District Councils Planning Department
- Leicestershire County Council Trading Standards Service

A guide on how to produce an operating schedule to meet the requirements of the Responsible Authorities and expectations of the Licensing Authority is available from the Licensing Team.

3.0 Prevention of Public 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 Constabulary, Environmental Health and licence holders and their managers.
- 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, 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, the Licensing Authority will consider applying 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 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 When making licence applications, in providing evidence within the operating schedule that suitable and sufficient measures will be in place to address the Public Nuisance objective, applicants should consider the following matters, where appropriate:
- (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. Such

measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;

- (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;
- (e) The use of gardens and other open-air areas;
- (f) Other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV following advice from the Crime Reduction Officer (or officer of equal status);
- (g) Proposals to use effective means of reducing disorder by communicating with other licence holders and the Police; this may include relevant information which may relate to the potential for anti-social or criminal behaviour.

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 Prevention of 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 its links with the Community Safety Partnership. 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 Constabulary through the Blaby District Community Safety Partnership and Joint Action Group regularly monitor and review crime statistics within the District and their association with alcohol.
- 4.4 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.
- 4.5 The Licensing Authority will look to work in partnership with Pub and Drug Watch Schemes within the District, supporting licence holders to actively prevent crime and disorder issues and to form strategies to reduce current levels. Strategies which would normally derive from such schemes address matters such as underage sales, problems associated with drunken individuals/behaviour, prevention of the use of drugs and violent and anti-social behaviour etc.
- 4.6 When making licence applications, in providing evidence within the operating schedule that suitable and sufficient measures will be in place to address the Crime and Disorder objective, applicants should consider the following matters, where appropriate:
 - (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 to 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, new applicants are advised to liaise with the Leicestershire Police Crime Reduction Team (or similar) in order to satisfy the requirements of the crime and disorder objective).
 - (e) Consideration as to how the licence holder may 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 (including training, training records, customer awareness of the scheme, acceptable forms of identification and refusals). Applicants are

Blaby District Council – Statement of Licensing Policy
advised to liaise with the Leicestershire County Council Trading Standards Service and/or Leicestershire Constabulary regarding the implementation and maintenance of a recognised proof of age scheme.

- (g) What measures will be taken for the prevention of violence or public disorder.
- 4.7 Applicants will be expected to consider all aspects relevant to the individual style and characteristics of their premises and proposed events and activities.
- 4.8 Where either prescribed and/or licence specific 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.
- 4.9 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 drinks are only consumed in glassware of a polycarbonate composition (or similar).
- 4.10 The Licensing Authority will liaise with Leicestershire Constabulary, as appropriate, to consider any information received which would assist in determining whether premises should be subject to a Closure Order or other suitable enforcement action.
- 4.11 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 and Disorder Licensing Objectives.
- 4.12 Not every person retailing alcohol at premises licensed for that purpose need hold a Personal Licence, but every sale or supply of alcohol must be 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 monitored and renewed where necessary on a reasonably regular basis (on a daily basis where possible) 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.

5.0 Public Safety

- 5.1 Members of the public have the right to expect when visiting licensed premises that due consideration has been taken with respect to their physical 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 promoting public safety across the District, by working in close partnership with Leicestershire Constabulary, the Fire and Rescue Service 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 supports measures designed to promote public safety and may consider the attachment of the mandatory condition to a licence requiring the use of Door Supervisors, licensed by the Security Industry Authority to control the access and egress from the premises during events.
- 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 activities conducted on licensed 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 committed to preventing irresponsible drinks promotions and refers applicants to the mandatory conditions in Section 19A of the Act. These mandatory conditions are aimed at preventing irresponsible promotions and supplies of alcohol.

6.0 Protection of Children from Harm

6.1 General

- 6.1.1 Protecting children from harm is one of the fundamental licensing objectives. 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 Leicestershire Constabulary are the lead Authority for child protection issues in relation to applications, licences and notices issued under the Act. Unless a relevant representation is made, the Licensing Authority cannot go beyond what the applicant 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 Section (see Appendix A), as the Licensing Authority is only able to consider police objections in relation to new Personal Licence applications, where applicants have a relevant unspent conviction.
- 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 may be 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 where relevant representations are received. While each case will be judged on its own merits, the following set of circumstances 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 applicants, 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 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 considered if relevant representations are received include:

- (a) Limitations on the hours where children may be present;
- (b) Age limitations (for those below 18 years of age);
- (c) Mandatory "proof of age" scheme;
- (d) Limitations or exclusions of the presence of children under a certain age when specified activities are taking place;
- (e) Requirements for an accompanying adult;
- (f) Limitations on the parts of premises to which children might be given access; and
- (g) In exceptional cases, full 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 5a.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. Persons under the age of 18 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. It is recommended that any premises which have internet access facilities should 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 premises are 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 if relevant representations are received.
- 7.1.2 It is recognised that varied licensing hours are important in ensuring 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. However, in accordance with the Act the presumption will be to grant the hours requested unless there are relevant representations received in relation to any suggested hours, from Responsible Authorities or Interested Parties.
- 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 when the premises are 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 (following relevant representations).

7.2 Representations

- 7.2.1 In making decisions in respect of hours, consideration will be given to representations made by Responsible Authorities and Interested Parties including local residents and businesses in the vicinity of the premises, or their representatives, and 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 may receive relevant representations from Responsible Authorities and/or Interested Parties and in such circumstances the applicant may 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 put forward in the operating schedule.

7.3 Zoning

7.3.1 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines and case law that are raised 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.

7.4 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 may be able to serve a Temporary Event Notice (restrictions apply).

7.4.2 The Licensing Authority shall not apply 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 generally dealt with by central government. 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;

- 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 advertised, or
- a Temporary Event Notice is served (restrictions apply).

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 nuisance and disorder. Where a significant number of licensed premises concentrated in one area are having a negative impact on the licensing objectives, the Licensing Authority may consider that an area has become saturated. In these circumstances, where evidence is brought to the attention of the Licensing Authority which supports the need for a special policy, it will consider the evidence and if satisfied, where appropriate and necessary, will include an approach to cumulative impact in its licensing policy statement. If such a policy were adopted the Authority may consider whether the grant of any further Premises Licences or Club Premises Certificates in that specific area would undermine one of the licensing objectives (if relevant representations are received).

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. “Need” is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy. Conversely, 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 any such 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 the concern raised;
- (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 the person/body who submitted a relevant representation 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 differ between premises due to their specific style and characteristics.

8.3 Review

- 8.3.1 The Authority will review any special saturation policy within a 3 year period, 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 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) The closure of licensed premises for up to 24 hours on grounds of disorder, likely disorder or excessive noise
- (f) Powers to seek review of a Premises Licence or Club Premises Certificate

9.0 Tourism & Local Economy

- 9.1 The Licensing Committee will receive copies of reports concerning the local tourist economy and Sustainable Community 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 and entertainment 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 the Licensing 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 9.2 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 licensable activities.

10.0 Integrating Strategies

- 10.0.1 The Licensing Authority will seek to achieve integration with other strategies 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 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. Applicants may however wish to seek advice regarding planning permission from the Planning Authority prior to submitting an application under the Act.

10.3 Local Strategies

- 10.3.1 Blaby District Council has developed a Sustainable Community Strategy (SCS) which sets out the long term vision for the District of Blaby and explains what the Council, through Blaby Together, plan to do to achieve this.

10.3.2 The Sustainable Community Strategy aims to identify the priorities for an area, and then, by working with the community, sets out plans to improve the quality of life for people within the area.

10.3.3 The Licensing Authority is committed to promote the short and long ambitions of the strategy, particularly those priorities which relate to the success of our arts, heritage, parks and green/open spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, plays, faith and worship, tourism, restaurants and bars and creative industries.

10.3.4 This licensing policy will assist with the vision set out in the Sustainable Community Strategy for Blaby District by:

- monitoring the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals and encourage the promotion of these activities for the wider cultural benefit of our community
- 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 only those conditions which are considered necessary, reasonable and proportionate
- 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 costs which are 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

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 (as amended), to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups.

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.

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 or more of the licensing objectives this would be a matter the Licensing Authority could consider. 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 The Transport Strategy is set out in the Leicestershire Local Transport Plan (LTP) produced by Leicestershire County Council. The plan sets out the main proposals for achieving an integrated transport system to tackle the adverse impacts of traffic growth.

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 Temporary Event Notices (TENs)

11.0.1 The Act allows licensable activities to be carried out in specified circumstances on a temporary basis. A Temporary Event Notice must be served on the Licensing Authority, with a copy sent to the Chief Officer of Police, 10 working days before the event to be licensed (not including the day the notice is received by the Authority and not including the day of the event).

11.0.2 The Chief Officer of Police may submit an objection notice to the TEN if satisfied that the crime prevention objective would be undermined.

11.0.3 Whilst the Licensing Authority recognises the minimum notice period given for the submission of TENs, it would encourage those wishing to submit them to do so at least 28 days prior to their event taking place. This will allow time for the Premises User (the person submitting the TEN) to act appropriately, should an objection from the Police lead to a refusal of the TEN by the Authority.

12.0 Enforcement

12.0.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four Licensing Objectives referred to in the Act. Full premises inspections will not be undertaken routinely, however inspections and advice campaigns will be conducted when judged

necessary which will allow resources to be effectively targeted towards problem premises.

12.0.2 Enforcement action will be considered in accordance with the Authority's Enforcement Policy and the principles of consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat.

12.0.3 The Licensing Authority will also develop and review enforcement protocols with Leicestershire Constabulary and other relevant partnership agencies to ensure efficient deployment of Licensing Authority enforcement officers, avoid duplication and reduce any unnecessary regulatory burden on businesses.

13.0 Licence Reviews

13.0.1 There is a process for reviewing licences if problems were to persist at licensed premises. Initially the Responsible Authority or Interested Party may try to resolve the issues informally with the parties concerned; the Licensing Authority can act as a mediator in the discussions if necessary. If this is not appropriate or is unsuccessful a Responsible Authority or Interested Party may apply to Review a licence at any stage during the validity of a licence.

13.0.2 The reasons for the Review of a licence must relate to one or more of the four licensing objectives. Responsible Authorities include the Police, Trading Standards, Fire Service, the Planning Authority and Environmental Health. Interested Parties include a person living in the vicinity of licensed premises, a body representing a person living in the vicinity, a person involved in a business which is located in the vicinity of licensed premises, a body representing persons involved in such businesses or an elected member of the Authority.

13.0.3 In line with the guidance issued under Section 182 of the Act the Licensing Authority may be minded to revoke a licence, even in the first instance, particularly if the review suggests the crime prevention objective is being undermined.

13.0.4 The Licensing Authority shall consider a Review application and further evidence from the licence holder against any claims made and may consider one or more of the following steps as necessary;

- modify the conditions of the Premises Licence;
- exclude a licensable activity from the scope of the licence;
- remove the Designated Premises Supervisor;
- suspend the licence for a period not exceeding 3 months;
- revoke the licence.

Alternatively the Sub-Committee may consider that no action is required or issue a warning regarding future conduct.

14.0 Delegations of functions

The Licensing Authority acts in accordance with the provisions of the Act in relation to the functions automatically transferred to Licensing Committees, and refers to the guidance issued under Section 182 of the Act when determining officers delegated powers. The Authority is committed to ensuring that it does not place extra burden on applicants, wherever possible, whilst providing an effective licensing function for all licence holders and the community it aims to protect.

15.0 Further Information

15.0.1 The Licensing Authority can only offer advice on the process for and progress of applications and as to whether particular activities are required to be licensed. If applicants require detailed advice on the requirements of the legislation and information as to how it may affect their premises, they may wish to seek their own independent legal advice.

15.0.2 Applicants can obtain advice on the application process, fees and can access all applications from the Licensing Team at the Council Offices in Narborough or at www.blaby.gov.uk. Online applications and payments are also available from the Councils website. Comprehensive contact details, including the contact details for all Responsible Authorities is available at Appendix A.

Appendix A

Licensing Authority and Responsible Authorities

Licensing Authority

The Licensing Team
Blaby District Council,
Council Offices,
Desford Road,
Narborough,
Leicestershire LE19 2EP
Email: licensing@blaby.gov.uk
Telephone: 0116 272 7639/7645
Fax: 0116 272 7596

Pollution Control and Health & Safety

The Environmental Health Services Division
Blaby District Council,
Council Offices,
Desford Road,
Narborough,
Leicestershire LE19 2EP
Email: env.health@blaby.gov.uk
Telephone: 0116 272 7555
Fax: 0116 272 7594

Local Planning Authority

The Planning Division
Blaby District Council,
Council Offices,
Desford Road,
Narborough,
Leicestershire LE19 2EP
Email: planning@blaby.gov.uk
Telephone: 0116 272 7705
Fax: 0116 272 7593

Leicestershire Constabulary

The Chief Officer of Police
The Licensing Section,
Mansfield House,
74 Belgrave Gate,
Leicester LE1 3GG
Email: Liquor.licensing@leicestershire.pnn.police.uk
Telephone: 0116 222 2222 (extension 4340)
Fax: 0116 248 4337

Leicester Area Child Protection Committee

This authority has nominated Leicestershire Constabulary to act as 'gate-keeper' in relation to Licensing Act applications. Service is achieved by serving on the Constabulary as above with any relevant applications, therefore only one copy of the application form need be sent.

Leicestershire Fire and Rescue Service

The Chief Fire Officer
Risk Management
Southern Fire Station
Meridian Business Park
Meridian East
Leicester
LE19 1WZ
Email: infoservices@lfrs.org
Telephone: 0116 287 2241
Fax: 0116 231 1180

Local Weights & Measures Service

Leicestershire County Council
Trading Standards Service
Chief Executives Department
County Hall
Glenfield, Leicestershire
LE3 8RN
Email: tradingstandards@leics.gov.uk
Telephone: 0116 305 8000
Fax: 0116 305 7353

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