



LICHFIELD DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2011 - 2014

Effective from 7th JANUARY 2011

LICHFIELD DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

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1.0 INTRODUCTION

- 1.1 The District of Lichfield is a mainly rural community of approximately 98,000 inhabitants and covering some 33,000 hectares. The heart of the district is City of Lichfield, the birthplace of Dr Samuel Johnson and home to centuries of history and heritage. It is in an idyllic setting with its magnificent mediaeval cathedral overlooking Minster Pool and its three spires, known affectionately as the 'Ladies of the Vale' dominating the skyline.
- 1.2 Bordering on Sutton Coldfield and the West Midlands Conurbation, the extensively wooded Cannock Chase, the newly created National Forest and within easy access to the national motorway network and the M6 Toll Road, it is an ideal place in which to live and work.
- 1.3 It is home to thriving Leisure and Arts facilities at Burntwood and in the centre of Lichfield at the King Edward and Friary Grange Leisure Centres. The internationally acclaimed Garrick Theatre, named after David Garrick the 18th century actor and director is in its eighth successful season since opening in July 2003. Nearby Chasewater is home to a variety of water sports and the Chasewater Railway Centre whose railway line now encircles the lake. Drayton Manor Theme Park near Tamworth, boasts some of Europe's best white-knuckle rides and is set in over 280 acres of parkland, including lakes and a 15-acre open-plan zoo.
- 1.4 On the outskirts of Alrewas is the National Memorial Arboretum. This 150 acre site is planted with a varied selection of trees and memorial plots and includes a riverside walk and Britain's only Millennium Chapel as a living tribute to the people of the 20th Century and those who gave their lives in the various wars and conflicts.

2.0 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY. THE PURPOSE AND SCOPE.

- 2.1 The Licensing Act 2003 (the Act) provides for a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. In the Act, these activities are referred to collectively as "the licensable activities" and include:
- Retail sale of alcohol
 - Supply of alcohol by clubs
 - The supply of hot food and/or drink from any premises between 11.00 pm and 5.00 am.
 - Provision of "regulated entertainment", which includes: -
 - Performance of plays
 - Film exhibitions
 - Indoor sporting events
 - Boxing or wrestling
 - Performance of live music
 - Playing of recorded music
 - Dancing and dance performances
 - Provision of facilities for dancing, making music, or, entertainment of a similar descriptionwhere the entertainment takes place in the presence of an audience

and is provided for the purpose of entertaining that audience.

- 2.2 Lichfield District Council (The Council) is the local authority for the purposes of the Act and this Statement of Licensing Policy. The Licensing Authority is the unit of the Council that has specific authority for the determination of applications submitted under the Licensing Act 2003.
- 2.3 The Act requires that the Licensing Authority publish a “Statement of Licensing Policy”, setting out the policies it will apply in the exercise of its licensing functions under the Act every three years. This statement must be published before the Licensing Authority carries out any of its functions under the Act.
- 2.4 This Statement of Licensing Policy was prepared in accordance with the provisions of the Act and, in particular:
- having regard to the Guidance issued by the Secretary of State under Section 182 of the Act; and
 - after proper consideration of responses to consultation with those authorities and representative bodies prescribed under Section 5(3) of the Act, as follows
 - ❖ The Chief Officer of Police for the area.
 - ❖ The Fire and Rescue Authority for the area.
 - ❖ Persons / bodies representing local holders of premises licences, club premises certificates and personal licences
 - ❖ Persons / bodies representing businesses and residents in the area.

The policy will apply in respect of new consents, reviews, renewals, transfers and variations (where applicable) to the following:

- Premises Licences
- Club Premises Certificates
- Personal Licences
- Temporary Event Notices.

The Council adopted the Policy on the 14 December 2010.

- 2.5 The statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of three years from the date of adoption and will be reviewed and subject to further consultation before the end of the three year period. A new statement of licensing policy will be adopted to come into operation at the expiry of the current licensing policy.

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the policy.

- 2.6 The Policy can be accessed on the Licensing Authority’s website at www.lichfielddc.gov.uk and in hard copy from its Licensing Unit, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU, telephone 01543 308073.

3.0 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES

- 3.1 In carrying out its licensing functions, the Licensing Authority will focus primarily on the impact of licensable activities on those living, working or

otherwise engaged in normal activities in the area and on promoting the four licensing objectives defined in the Act. These are:

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

The Licensing Authority recognises that each objective has equal importance and each is to be taken into account in determining an application. Any conditions attached to the grant of a licence must be necessary to achieve the licensing objectives.

3.2 The administration and enforcement of the Act will take into account other appropriate local strategies. The Licensing Authority has formulated the policies and procedures detailed in this Statement Policy taking into account the current strategies incorporated into the locally adopted strategies on the following matters: -

- Crime Prevention
- Local Planning
- Local Transport
- Tourism and Cultural Strategies

The legislative powers provide for the carrying on of retail sales of alcohol, the provision of regulated entertainment and late night refreshment in a way which ensures public safety and which is neither detrimental to members of the public in the vicinity nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well-run and managed premises with the license holders having due regard to the impact of the premises on the local area.

3.3 The Regulatory and Licensing Committee will be informed of the local employment situation and the need for new investment and employment where appropriate. Additionally, they will also receive from time to time reports on the needs of the local tourist economy and the cultural strategy for the area and will take such information into account in determining the overall policies. The Licensing Authority recognises that the entertainment industry is a major contributor to the local economy. It attracts visitors from outside the area as well as local residents and helps to create vibrant communities within the district and the main centres of population.

3.4 The Licensing Authority will also carry out these functions having regard to this policy and to any guidance issued by the Secretary of State under Section 182 of the Act.

3.5 **Applications, Notices and Representations.**

3.6 The Licensing Authority will return, as invalid, all notices and applications that are not submitted in accordance with the requirements of the Act or regulations made under it. It will, however, do all it can to assist applicants by responding as quickly as possible to all enquiries and by making information and appropriate forms available on its website at www.lichfielddc.gov.uk and in hard copy from the Licensing Unit, District Council Offices, Frog Lane, Lichfield, Staffordshire.

Applicants may also apply using the licensing forms available on the Electronic Application Facility which is part of business link at www.businesslink.gov.uk

- 3.7 The Licensing Authority will expect that the operating schedules accompanying applications for premises licences and club premises certificates will include sufficient information as to the steps proposed by applicants to promote each of the licensing objectives. In its capacity as the Licensing Authority, it will rely on the responsible authorities defined in Section 13(4) and Section 69(4) of the Act to make representations regarding any concerns they may have over the sufficiency of that information. All applications will be treated equally and on their individual merits.
- 3.8 The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base. The Licensing Authority will determine on its merits if any representation by an interested party is frivolous or vexatious. The interested party making representations may not consider the matter to be frivolous or vexatious but the test will be whether the Licensing Authority is of the opinion that they are frivolous or vexatious.
- 3.9 It will also expect that where such representations are made by interested parties and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Where such agreements are reached, the Council after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.
- 3.10 **Hearings and Determinations.**
- 3.11 When “relevant representations” (as defined in Section 18(6), 31(5), 35(5), 52(7), 72(7), 85(5) and 88(7) of the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants will be advised of all representations and all parties involved will be informed of the time and place of the hearing at least ten days before the date it will occur unless all the parties concerned agree to a shorter notice period.
- 3.12 Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under Sections 19, 20, 21, 73 and/or 74 of the Act.
- 3.13 If an application for review of an existing premises licence or club premises certificate is received in accordance with the relevant sections of the Act., the Licensing Authority will hold a hearing to consider it, whether or not representations are received. In cases when the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.

- 3.14 The Licensing Authority will take steps to reject applications, to impose or modify conditions where appropriate, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps necessary for promoting one or more of the licensing objectives.
- 3.15 **Conditions**
- 3.16 Under the terms of the Licensing Act 2003 the Licensing Authority can only regulate licensable activities at those premises and events licensed or authorised within the terms of the Act. Its licensing policy 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 those holding individual licences/certificates under the Act.
- 3.17 The Licensing Authority will only consider imposing conditions following relevant representations (except for the conditions drawn from the applicant's operating schedule since these are voluntary propositions). It will not impose conditions on its own initiative and any conditions imposed on licences/certificates issued under the Act will, therefore, relate only to those matters falling within the control of the holders of those authorisations. If no representations are received the application will be granted in the terms sought and no additional conditions will be imposed (other than those statutorily required).
- 3.18 The Licensing Authority will not impose standard blanket conditions on authorisations issued under the Act and will, as far as possible, avoid imposing disproportionate and over burdensome conditions.
- 3.19 Any conditions imposed under the Act will be tailored to the specific needs of the premises and will relate only to the licensing objectives. When imposing conditions, consideration will be given to representations and recommendations made by responsible authorities and to the model pool of conditions included in guidance issued under Section 182 of the Act.
- 3.20 Where a "saturation policy" is adopted by the Licensing Authority it may include a presumption that:
- on application for review of an existing premises licence or club premises certificate by a responsible authority or interested party, certain specified conditions may be attached to existing licences/certificates;
 - unless appropriate steps to promote the licensing objectives are included in the operating schedule accompanying any application for a premises licence or club premises certificate (or any variation of such), that application will be refused, or, certain specified conditions attached, following any relevant representations from a responsible authority or interested party.
- Adoption of saturation policies are referenced in more detail in Section 6 of this policy document.
- 3.21 In order to avoid duplication with other statutory regimes, the Licensing Authority will only attach conditions regarding matters that are not already

adequately covered by other legislation. Other regulatory controls are referenced in more detail in Section 4 of this policy document.

3.22 Temporary Event Notices (TENs)

- 3.23 The Act provides for certain occasions when licensable activities at small scale events (for no more than 499 people at a time lasting for no more than 96 hours) do not need a licence but do need to provide advance notice to the Police and the Licensing Authority. The Police can object to a temporary event notice if the event is likely to undermine the crime prevention objective.

Copies of notices for the Chief Officer of Police are to be served at the following address: Staffordshire Police, Southern Licensing Unit, Burton Police Station, Horninglow Street, Burton-upon-Trent, DE14 1PA.

- 3.24 The law states that at least 10 clear working days notice must be given to the Police and Licensing Authority prior to the date of the event but the less time that is given will increase the likelihood of a Police objection being received. A working day is classed as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales. N.B. When calculating the required notice period the day on which the event is to take place and the day the notice is received by the authority/police are to be excluded.

- 3.25 In the event of a relevant representation from the Police the Licensing Authority will hold a hearing not less than 24 hours before the event is due to take place.

- 3.26 For any event concerning more than 499 people a premises licence will be required for the duration of the event. If it is intended to sell alcohol at such an event there must be a designated premises supervisor specified on the application who must be a holder of a personal licence.

3.27 Personal Licences

- 3.28 Any person may make an application for a personal licence, whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

- 3.29 The Licensing Authority will grant a personal licence providing the following criteria is met:

- The applicant is over 18 years of age.
- The required fee accompanies the application.
- The applicant possesses a relevant licensing qualification.
- The applicant has not forfeited a personal licence in the previous 5 years.
- The applicant has not been convicted of any relevant offence, or foreign offence as defined in the Licensing Act 2003.
- The Police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence.
- The application has been submitted correctly.

- 3.30 A personal licence will be valid for 10 years.
- 3.31 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, applicants will be required to produce a basic disclosure certificate from the Criminal Records Bureau. The Licensing Authority will consult with the Police regarding any relevant offences or foreign offences as listed in Schedule 4 of the Licensing Act 2003.
- 3.32 A relevant offence or foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.
- 3.33 The Licensing Authority will liaise with the Police when an applicant is found to have an unspent conviction and the Police and Licensing Authority may interview the applicant should the Police be minded to object to the grant of the licence.
- 3.34 If the Police make a representation to an application the matter will be referred to a Licensing Sub-Committee for a hearing.
- 3.35 The refusal of the application will be the normal course unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify the granting of the application.
- 3.36 The Licensing Authority of Lichfield District Council will be the 'relevant authority' for all 10 year personal licences they issue regardless of the subsequent place of residence of the licence holder.
- 3.37 Where a personal licence holder is convicted by a court of a relevant offence, the Court will advise the Licensing Authority accordingly. On the receipt of such notification the Licensing Authority will contact the licence holder within 14 days requesting the return of the licence so that the necessary action can be taken.
- 3.38 The holder of the personal licence has a duty to inform the Licensing Authority of a new relevant conviction and/or any change in name or address.
- 3.39 **Designated Premises Supervisor**
- 3.40 A designated premises supervisor (DPS) is the person identified as such for a particular premises and who is named on the premises licence as being responsible for the authorisation of all alcohol sales made. Any premises where alcohol is supplied under a premises licence must have a DPS. However, certain community premises may apply for an alternative condition which means that a committee or board of individuals will have responsibility for alcohol sales, rather than an individual DPS.

The main purpose is to ensure that there is always one specified individual who can be readily identified as having key responsibilities at the premises and who is in day to day charge of running the business.

- 3.41 The premises licence will specify the name of the designated premises supervisor, where the alternative condition is not in effect, and it is the responsibility of the premises licence holder to notify the Licensing Authority

immediately of any change of designated premises supervisor (unless the DPS has already notified the Licensing Authority).

3.42 Working with Partners

3.43 The Licensing Authority has determined this Statement of Licensing Policy with a view to promoting the licensing objectives, and in so doing, it recognises that the licensing function is only one means of securing those objectives. Licensing is not seen as a panacea for solving all problems within the community and the Licensing Authority will, therefore, continue to work in partnership with other agencies and the community, to deliver the aims and objectives identified in the Council's Strategic Plan. These are referenced in more detail in Section 4 of this policy document.

3.44 Right of Individuals

3.45 This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to undermine the right of any individual to apply, under the terms of the Act, for a variety of permissions and to have any such application considered on its individual merits.

3.46 Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

4.0 INTEGRATING OTHER REGULATORY CONTROLS

4.1 There are a number of other strategic, legal and statutory controls that may affect the Licensing Authority's function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

4.2 Planning and Building Control

4.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing decisions will take into account any relevant planning decisions made by the Council's Planning Committee or made as a result of appeal and will not cut across such decisions.

4.4 Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications.

4.5 The local planning authority is a "responsible authority" and the Council's Strategic Director of Democratic, Development and Legal Services representing that authority, will be notified of all applications relating to

premises licences and club premises certificates. This will enable the appropriate action to be taken by the planning authority when planning permission or building regulation approval is required and, where necessary, enable representations to be made to the Licensing Authority.

4.6 Health & Safety

4.7 The licensing objective for public safety overlaps with health and safety requirements, which are enforced under the Health and Safety at Work etc Act 1974 by either the Council or the Health & Safety Executive.

4.8 In the majority of cases health and safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. Where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety for certain types of entertainment, however, those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

4.9 The enforcing authorities within the meaning of Section 18 of the Health and Safety at Work etc Act 1974 are “responsible authorities” as defined under the Act. The Council’s Strategic Director of Community, Housing and Health and the Health and Safety Executive, representing those authorities will, therefore, be notified of all applications relating to premises licences and club premises certificates that fall within their enforcement responsibility. This will enable the appropriate action to be taken by those enforcing authorities where health and safety requirements are an issue and, where necessary, enable representations to be made to the Licensing Authority.

4.10 Fire Safety

4.11 The Licensing Authority will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

4.12 The fire authority is a “responsible authority” and Staffordshire Fire and Rescue Service, representing that authority, will be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by that authority where fire safety requirements are an issue and, where necessary, enable representations to be made to the Licensing Authority.

4.13 Noise and other Public Nuisance

4.14 The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced in Lichfield by this Council under the Environmental Protection Act 1990. Powers under the Act are also available to the Police and, under the Anti-Social Behaviour Act 2003, to environmental health officers to secure the closure of licensed premises causing a public nuisance because of noise. The Clean Neighbourhoods and Environment Act 2005 also provides local authorities with an additional power

to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11pm and 7am.

In the majority of cases, controls to prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. Where it is considered that there is potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) at certain types of entertainment and statutory provisions do not provide for adequate protection those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

4.15 The local authority having statutory functions for minimising or preventing the risk of pollution of the environment or of harm to human health is a “responsible authority” as defined under the Act. The Council’s Strategic Director of Community, Housing and Health, representing that authority will, therefore, be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by the enforcing authority where pollution and public health requirements are an issue and, where necessary, enable representations to be made to the Council in its capacity as the Licensing Authority.

4.16 **Equality**

4.17 The Council’s Corporate Equality Policy recognises that discrimination can take many forms and arise as a consequence of:

- race
- colour
- ethnic origin
- gender
- marital status
- sexuality
- poverty
- social class
- religious and other beliefs
- age
- disability

4.18 This Policy will take account of the principles established by the Corporate Equality Plan and seek to ensure that unlawful discrimination will be eliminated and equality of opportunity and good relations between people of different identifiable groups promoted.

4.19 The Policy will have regard to the relevant legislation including The Equality Act 2010 and the Council’s Corporate Equality Plan.

4.20 This Policy recognises that in exercising the licensing function there is the potential for direct and indirect discrimination. Monitoring systems will therefore be established to seek to ensure that the needs of the community are addressed and that policy implementation does not lead to detrimental impact. This policy has been subject to an Equality Impact Assessment.

5.0 STRATEGIC CONTEXT AND LINKS TO WIDER POLICIES AND STRATEGIES

- 5.1 Lichfield District Council produces a range of strategies and plans that underpin our direction and performance, and our contribution to the community strategy for the District. These form a hierarchy of documents headed by our Strategic Plan 2008 to 2012, which sets out the longer-term direction for the next four years and includes a one year Action Plan with specific targets for what we need to achieve. This is updated each year as the Strategic Plan is rolled forward.
- 5.2 Our Strategic Plan is the result of wide ranging consultation, which led to confirmation of our five ambitions:
- A sustainable, clean and safe environment
 - A thriving economy
 - A good place to live
 - A better quality of life
 - Achieved through a joint effort
- 5.3 These ambitions are supported by our focus of **being centred on people, focused on place and delivered through improvement**. These ambitions and focus are underpinned by 9 top priorities that are detailed in the Strategic Plan (available at www.lichfielddc.gov.uk).
- 5.4 A number of the top priorities are directly relevant to this Licensing Policy such as creating safe, strong and proud communities and involving local people and partners. This policy is designed to support these priorities.
- 5.5 The four licensing objectives can be linked directly to the five Strategic Ambitions identified above. Effective implementation of the Licensing Policy is a key means by which the Council will be able to support these objectives and ambitions leading to a longer term impact on the lives of all those who live, work in or choose to visit the district.
- 5.6 The Licensing Authority will consider applications and representations made under the Act having regard to the four licensing objectives and the aims and objectives identified in its Corporate Strategy.
- 5.7 **Crime Prevention**
- 5.8 Under the Crime and Disorder Act 1998, and in particular Section 17 of the Act local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. The Licensing Authority will have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.
- 5.9 The Chief Officer of Police for the area is a “responsible authority” defined under the Act. Staffordshire Police will, therefore, be notified of all applications and notices given under the Act. Their representations regarding the crime

prevention objective and, where appropriate any of the other licensing objectives, will be taken into consideration by the Licensing Authority in responding to notices and determining such applications.

5.10 Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Crime Reduction Partnership or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the District, it will consider adopting a “saturation policy”. Adoption of saturation policies is referred to in more detail in Section 6 of this policy document.

5.11 **Alcohol Harm Reduction Strategy**

5.12 Where appropriate, applications made under the Act will be processed having regard to:

- Representations made by Staffordshire Police as the local police authority, Staffordshire County Council through its Corporate Director (Children, Young People and Families) as the body responsible for matters relating to the protection of children from harm and other responsible authorities and interested parties, as defined in the Act;
- The Cabinet Office’s Alcohol Harm Reduction Strategy for England;
- The Home Office’s Action Plan for Alcohol Related Crime, Disorder and Nuisance;
- Local orders relating to street drinking.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, which seeks to ensure that drinks are packaged and printed in a socially responsible manner and only to those who are 18 years old or older, is commended for consideration by applicants whose proposed licensable activities involve the supply of alcohol.

5.13 **Drug Abuse**

5.14 Where appropriate, applications made under the Act will be processed having regard to:

- Representations made by Staffordshire Police as the local police authority, Staffordshire County Council through its Corporate Director (Children, Young People and Families) as the body responsible for matters relating to the protection of children from harm and other responsible authorities and interested parties, as defined in the Act;
- The Home Office’s Safer Clubbing Guide;
- Reports submitted to the Licensing Authority by the various Primary Care Trusts that cover the district of Lichfield.

5.15 **Cultural Strategy**

5.16 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, in particular, live music and dancing.

5.17 Should valid representations be received the Licensing Authority will ensure

that only necessary, proportionate and reasonable conditions are imposed on such events.

5.18 Where there is any indication that licensing requirements are deterring such events the Licensing Authority will revisit its Statement of Licensing Policy with a view to investigating how the situation might be reversed.

5.19 The Licensing Authority will consider any report submitted to it by officers representing local government arts interests and if necessary will consult the National Association of Local Government Arts Officers for practical help and advice in this area.

5.20 **Live Music, Dancing and Theatre**

5.21 As part of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of the local community.

5.22 The Licensing Authority is aware of the need to carefully balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly those for children.

5.23 Where appropriate, in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. Only those conditions necessary, proportionate and reasonable will be imposed on licences/certificates granted under the Act.

5.24 To promote this policy the Council will consider applying for premises licences in its own name for public spaces within the community. This would include areas such as public parks and other open spaces, certain streets and squares within the District and community halls. This may encourage the above mentioned activities in that at these premises and venues performers and entertainers would not need to acquire a licence to perform but would only need the permission of the District Council as the premises licence holder.

5.25 **Transport**

5.26 Licensing protocols agreed between the Licensing Authority and Staffordshire Police will be established and will incorporate any procedures necessary to ensure that adequate arrangements are made in Local Transport Plans and, where appropriate, in conditions relating to premises licences and club premises certificates for the swift and safe dispersal of people from premises and events authorised under the Act. It is however understood that the applicant has no control over local transport provision.

5.27 **Tourism and Employment**

5.28 The Licensing Authority will consider any reports submitted to it by the Local Tourist Information Group on the needs of the local tourist economy and the

employment situation in the District, to ensure that these needs are reflected in its licensing considerations.

6.0 CUMULATIVE IMPACT OF LICENSED PREMISES

- 6.1 The commercial demand or “need” for particular types of licensed premises is a matter for the market to decide. It is not a matter for consideration as part of the functions of the Licensing Authority.
- 6.2 The cumulative impact on the licensing objectives of premises and events licensed or authorised under the Act is, however, a matter that the Licensing Authority can take into account when determining applications under the Act.
- 6.3 The Licensing Authority will consider representations (from any responsible authority or interested party) on applications relating to new premises licences and club premises certificates or for material variations of existing licences/certificates, on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 6.4 There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential for negative cumulative impact posed by a proliferation of licensed/certificated premises. These include:
- Planning controls
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council.
 - Provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols.
 - Designation of parts of the District as places where the Police have powers to require persons not to drink alcohol in that place or to surrender any alcohol in their possession.
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
 - Prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk.
 - Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a public nuisance.
 - Powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance.
 - Local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury.
 - The right of responsible authorities or interested parties to seek reviews of premises licences and club premises certificates.
 - Powers for local authorities and the Police within the [Violent Crime Reduction Act 2006](#) to designate Alcohol Disorder Zones (ADZ's).
- 6.5 Where representations regarding cumulative impact are upheld, or, reports

from any of the responsible authorities indicate any of the licensing objectives are compromised, or are likely to be compromised, through the cumulative impact of a significant number of licensed premises in one area, the Licensing Authority will consider adopting a “saturation policy”. Where any such policy applies, applications for new premises licences or club premises certificates or for material variations of those licences/certificates would normally be refused, or, certain specific conditions would be attached to such licences/certificates.

- 6.6 Where a saturation policy is adopted, the Licensing Authority will, whenever it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities or interested parties:
- refuse applications relating to premises licences and club premises certificates that it concludes, after hearing those representations, should lead to refusal; or
 - attach conditions to premises licences and club premises certificates that it concludes, after hearing those representations, should be attached to promote the licensing objectives.

Applicants, therefore, need to address any saturation policy issues in their operating schedules in order to rebut the presumption that applications for new licences/certificates or for material variations would normally be refused.

Where no relevant representations are received the application will be granted in accordance with paragraph 3.12 above.

- 6.7 Where a saturation policy is adopted and a valid application for review of an existing premises licence or club premises certificate is received from a responsible authority or interested party in accordance with Section 52(1) or Section 88(1) of the Act, the Licensing Authority will impose those conditions it considers appropriate to promote the licensing objectives.
- 6.8 Representations from responsible authorities or interested persons, and reports from those responsible authorities on negative cumulative impact will be expected to:
- identify the boundaries of the area within which it is alleged problems are arising;
 - provide full details and evidence as to the seriousness of the nuisance and/or disorder caused in the area;
 - identify the licensable activities causing the nuisance and/or disorder;
 - identify the licensing objective(s) which it is alleged will be undermined.

Where representations are made, the licensing objectives, which it is alleged will be undermined, should be identified with specific regard to:

- the occupancy figure for the proposed premises;
- the nature of the licensed activity to be carried on at the premises;
- the patrons of the premises

The onus will be on the objector to provide evidence that additional licences or the variation of an existing licence will produce the cumulative impact claimed.

- 6.9 A saturation policy will only be adopted by the Licensing Authority after it has considered the available evidence and consulted those individuals and

organisations listed in Section 5(3) of the Act. Any saturation policy will take the form of a formal, published amendment to this Statement of Licensing Policy and will be reviewed regularly.

- 6.10 Saturation policies will not be used to justify:
- revocation of existing licences or certificates;
 - rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly necessary for the promotion of the licensing objectives;
 - provisions for fixing terminal hours of operation over any particular area;
 - imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits.

- 6.11 Staffordshire Police identified Bird Street as a part of the centre of Lichfield where they have concerns over the licensing objectives being comprised. As a responsible authority defined under the Act, they made a formal submission in support of a Cumulative Impact Proposal. This was adopted and published as an amendment to this Policy in July 2005, was reviewed prior to the publishing of this policy and will thereafter be kept under continuous review.

Staffordshire Police made a further submission in support of extending the area covered by the saturation policy to include Market Street, Lichfield. This was adopted and published as an amendment to this Policy on 24th February 2009.

- 6.12 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, to be granted.

7.0 LICENSING HOURS

- 7.1 The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. It will not, therefore, seek to impose fixed trading hours within any designated area, but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or interested parties, regarding those applications.
- 7.2 If necessary, stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in some circumstances where, having regard to the location, size and nature of the licensed premises, it is possible that disturbance may be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (i.e. 11.30pm to 7.00am).
- 7.3 With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations

received from any responsible authority or interested party, regarding any of the licensing objectives being compromised, are substantiated. However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

8.0 THE LICENSING OBJECTIVES

- 8.1 Paragraph 3.1 of this policy outlines the four licensing objectives that are paramount considerations at all times.
- 8.2 The following four sections of this policy (9.0, 10.0, 11.0, 12.0) provide further information in respect of the four licensing objectives, and should not be construed by applicants as requirements.
- 8.3 The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to consider what to include within their operating schedule in regards to how they will promote the four licensing objectives.
- 8.4 The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule.
- 8.5 The lists of possible control measures that are outlined in the following sections are not to be regarded as absolute requirements or as "check lists" and will not be used by the Licensing Authority to create standard conditions. They are examples only and it is recognised that some of the examples given do not easily translate into conditions on licences although they may be considered as good practice.**

9.0 PREVENTION OF CRIME AND DISORDER

- 9.1 Lichfield District Council is committed to reducing crime and disorder and improving community safety in the district of Lichfield.
- 9.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Lichfield District Council, Staffordshire Police, Staffordshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.
- 9.3 Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Lichfield Community Safety Partnership or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the District, it will consider adopting a "saturation policy". (Adoption

of saturation policies is referenced in more detail in section 6.0 of this policy document).

- 9.4 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder.
- 9.5 The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes that will raise their awareness of the issues relating to drugs and violence in licensed premises. For this reason, these elements if relevant could be specifically considered and addressed within an applicant's operating schedule.
- 9.6 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues could then be included within the applicant's operating schedule.
- 9.7 Applicants may wish to consider the following matters if relevant to their particular type of premises and/or activities. (This list is not exhaustive):
- underage drinking;
 - drunkenness on premises;
 - public drunkenness;
 - drugs;
 - violent behaviour. The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment available on their website www.beerandpub.com;
 - antisocial behaviour;
 - any evidence that can be provided to demonstrate effective and responsible management of premises by the person in charge;
 - training and supervision of staff with particular regard to crime prevention measures appropriate to the premises concerned;
 - the layout and design of the premises particularly those premises used primarily or exclusively for the sale and consumption of alcohol and have little or no seating (known as high volume vertical drinking establishments);
 - use of text/radio pagers to ensure fast and effective communication between persons in the premises and others for example the Police;
 - adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA);
 - acceptance of accredited 'proof of age' cards such as the proof of age schemes which carry the PASS (Proof of Age Standard Scheme) hologram logo, any locally approved 'proof of age' cards and/or 'new

- type' driving licences with photographs;
- provision of effective CCTV in and around premises;
- provision of toughened or plastic drinking vessels¹;
- use of end of evening wind down procedures;
- measures to prevent the use or supply of illegal drugs, for example, search procedures, amnesty boxes;
- provision of litter bins and other security measures, such as lighting, outside premises;
- membership of local 'Pub-watch' schemes or similar organisations:

9.8 Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

9.9 Certain temporary events are required to be licensed and can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder and in any event no less than ten working days before the event.

9.10 **Security Operatives**

9.11 The Licensing Authority may consider that certain premises require strict supervision for the purpose of the promotion of the licensing objectives. However the Licensing Authority can only consider applying stricter conditions in these circumstances if relevant representations are received. In such cases the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times or at such times that certain licensable activities are taking place.

9.12 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

9.13 Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Harm Reduction Strategy.

9.14 All security operatives employed at licensed premises will be expected to display their identification as issued by the Security Industry Authority.

9.15 If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.

¹ The Government believes that a risk-based, rather than blanket, approach to requiring licenses premises to use safer alternatives is the best way to tackle the problem of glass-related injuries. The British Beer and Pub Association has consolidated good practice on combating violence in licensed premises into a guide to risk assessment, which is available on their website at www.beerandpub.com.

10.0 PUBLIC SAFETY

- 10.1 The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.
- 10.2 There are a wide range of statutory requirements as detailed in section 4.0 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.
- 10.3 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) that is not covered by existing legislation, the applicant should indicate in their operating schedule the steps that will be taken to ensure public safety.
- 10.4 The capacity of a premises is a legitimate public safety issue and applicants may wish to volunteer information relevant to this (although it is not a requirement under the Licensing Act 2003). However, if a capacity limit has been set on safety grounds through some other regulatory regime, then it would not be duplicated on a licence/certificate. Capacity limits may also be a relevant consideration where the use to which a premises is put changes during its opening hours or operation. Clearly the safe capacity will be different depending upon, amongst other things, the type of event (i.e. televised football or sport) and the means of accommodating the audience (i.e. closed seating or standing).
- 10.5 The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer of the Staffordshire Fire and Rescue Authority, after having regard to any guidance issued by the Secretary of State if considered necessary to meet the public safety licensing objective.
- 10.6 Guidance on how to complete the Operating Schedule with regard to fire safety as part of an application for a premises licence is available from Staffordshire Fire and Rescue Service on their website at www.staffordshirefire.gov.uk. The information contained however is for guidance only. It is not a full and authoritative statement of the law and does not constitute legal advice. The guidance does not replace, extend, amend or alter in any way the statutory provisions of the Licensing Act 2003 or any subordinate legislation made under it or statutory guidance issued in relation to it.
- 10.7 **General Considerations**
- 10.8 Applicants may need to consider the following measures if relevant to their particular type of premises and/or activities (this list is not exhaustive):
- the nature of the premises or event;
 - the nature of the licensable activities to be provided, in particular the sale

- or supply of alcohol, and/or the provision of music and dancing;
- the provision or removal of such items as temporary structures, such as a stage, or furniture;
- the age of the customers;
- steps to ensure or propose effective and responsible management of premises;
- steps to ensure the provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- the adoption of best practice guidance (e.g. The Event Safety Guide, Safety in Pubs published by the BBPA);
- steps to ensure the provision of effective CCTV in and around premises;
- the provision of toughened or plastic drinking vessels.

10.9 The Licensing Authority would recommend that applicants refer to the following documents for further guidance:-

- *The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6;*
- *Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;*
- *5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;*
- *The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2;*
- *Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained at www.streetartsnetwork.org.uk .*

11.0 PREVENTION OF PUBLIC NUISANCE

11.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

11.2 The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

11.3 There are a number of statutory controls available to deal with nuisance issues as outlined in section 4.0.

11.4 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues could then be included within the applicant's operating schedule.

11.5 Applicants may need to consider the following measures if relevant to their particular type of premises and/or activities (this list is not exhaustive):

- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- steps taken or proposed to ensure effective and responsible management of the premises;
- measures to ensure appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- the measures taken or proposed to prevent noise and/or vibration from escaping from the premises. This may include music, noise from ventilation systems and the human voices;
- measures taken or proposed to prevent disturbance by customers leaving the premises, particularly between 11:00pm and 7:00am;
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries;
- adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA);
- the occupancy capacity of the premises;
- steps taken to ensure or propose the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices where appropriate;
- steps taken or proposed to ensure effective management of people, including staff, customers and traffic (and resulting queues) arriving and leaving premises;
- the provision of any special measures to be implemented in premises in close proximity to sensitive premises such as hospitals, nursing homes, hospices or places of worship;
- siting of external lighting, including security lighting;
- steps taken to ensure effective management arrangements for collection and disposal of litter;
- effective ventilation systems to prevent nuisance from odour.

11.6 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas where relevant representations have been received.

12.0 PROTECTION OF CHILDREN FROM HARM

12.1 The Licensing Authority will have regard to the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or interested party and it is considered necessary to impose limitations for the prevention of physical, moral or psychological harm to children.

12.2 The Licensing Authority recognises Staffordshire County Council, through its Directorate for Children, Young People and Families and Trading Standards Section, as a body representing those responsible for, or interested in, matters relating to the protection of children from harm and competent to advise it on

such matters. It is, therefore, a responsible authority for the purposes of Section 13(4) and Section 69(4) of the Act.

12.3 The premises that will give rise to particular concern regarding the protection of children from harm will include those:

- where entertainment or services of an adult or sexual nature are provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for under age drinking;
- with a known association with drug taking or dealing;
- with a known association with prostitution;
- where there is a strong element of gambling on the premises, (the presence of cash prize gaming machines on the premises does not constitute substantial gambling);
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

12.4 Limitations on access by children imposed by the Licensing Authority, following representations received from a responsible authority or interested party, may include any or a combination of the following:

- limitations on the hours when children may be present;
- exclusion of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (under 18);
- requirements for accompanying adults;
- full exclusion of those under 18 years of age from the premises when any licensable activities are taking place.

12.5 The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British Board of Film Classification was the only body so designated). It will also be expected that operating schedules accompanying applications relating to activities involving film exhibitions, will include details of the arrangements proposed for preventing children from viewing age restricted films.

12.6 Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities; in particular, Staffordshire County Council through its Corporate Director (Children, Young People and Families) and Staffordshire Fire and Rescue Service

- 12.7 Staffordshire County Council, as the body responsible for matters relating to the protection of children from harm and Staffordshire Fire and Rescue Services as the fire authority, are “responsible authorities” for the purposes of the Act. Applicants will be required to give notice of applications for premises licences and club premises certificates or for variations of existing licences/certificates to those authorities, who may make representations to the Licensing Authority on those applications, or request a review of any existing licence/certificate.
- 12.8 The Act makes it an offence to permit a child under the age of 16 who is 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 under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. It is also an offence to permit the presence of a child under 16 who is not accompanied by an adult between the hours of midnight and 5.00am at any other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club registration certificate or temporary event notice.
- 12.9 The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.
- 12.10 Applicants for licences may wish to visit Staffordshire Safeguarding Children’s Board website for additional information at www.staffsscb.org.uk.

13 ENFORCEMENT OF LICENCE REQUIREMENTS AND CONDITIONS

- 13.1 The Act does not require the inspection of premises or events licensed or authorised under the Act, save at the discretion of those charged with this role. The Licensing Authority will not undertake routine premises inspections, other than in conjunction with its occupational health and safety enforcement responsibilities, but will follow the principles of risk assessment in targeting inspections at high risk and problem activities, as and when judged necessary.
- 13.2 Inspections and investigations of complaints regarding premises licensed or authorised under the Act and the enforcement of licensing conditions will be undertaken in accordance with protocols agreed between the Council through its Environmental Services Section, Staffordshire Police, Staffordshire Fire and Rescue Service, Staffordshire County Council (through its Corporate Director (Children, Young People and Families) and other agencies authorised under Section 154, or, authorising those persons described in Section 13(2) and Section 69(2) of the Act.
- 13.3 All enforcement undertaken by the Council will be in accordance with its published Enforcement Concordat, details of which can be accessed on the Council’s website at www.lichfielddc.gov.uk.

14 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS

- 14.1 In accordance with the requirements of the Act, the Council's licensing functions, except those relating to the adoption of its licensing policy, will be discharged by its Regulatory & Licensing Committee.
- 14.2 To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Council's Regulatory & Licensing Committee will delegate those functions to sub-committees, each of which will comprise three members of the Regulatory & Licensing Committee.
- 14.3 Many of the Regulatory & Licensing Committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to the Licensing Manager or their Deputy.
- 14.4 The Council's Regulatory & Licensing Committee will receive regular reports on decisions made by Officers and its sub-committee so that it maintains an overview of the general licensing situation in the District.
- 14.5 The scheme of delegation adopted by the Council's Regulatory & Licensing Committee and ratified by Full Council is as follows:

Matter to be dealt with	Delegated to Sub Committees	Delegated to Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made.
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation		All cases
Application to vary designated premises supervisor.	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for the mandatory alcohol condition for a DPS to be disappplied	If a police objection	If no objection made

for community premises		
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	

15 CONCLUSIONS.

- 15.1 This is the third policy produced by the Licensing Authority under the provisions of the Licensing Act 2003 and it will therefore form the basis for considering all applications for licences under this legislation with effect from 7th January 2011.
- 15.2 It is not however a static document and, as required by the Act, will be kept under review during the three years from the date that it is adopted. During this time the Licensing Authority may make such revisions at it considers appropriate and will, in so doing, consider any views from the local community and interested parties on whether the statutory objectives are being meet.
- 15.3 Any matters which it is felt should be considered by the Council in reviewing their policy must be submitted in writing to the **Licensing & Electoral Services Manager, Lichfield District Council; Frog Lane, Lichfield, Staffordshire, WS13 6YU** or by email to licensing@lichfielddc.gov.uk.

DEFINITIONS.

The following definitions are included to provide an explanation of certain terms included in the Act and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Alcohol Disorder Zones (ADZs)

Sections 15-20 of the [Violent Crime Reduction Act 2006](#), empowers local authorities to designate Alcohol Disorder Zones (ADZs) where there is nuisance, disorder or annoyance associated with the consumption of alcohol in the locality or with the consumption of alcohol in the locality which is likely to be repeated.

The Act enabled the Secretary of State to make regulations enabling local authorities to charge certain licensed premises, in designated ADZs, for additional enforcement activity.

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Council's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Authorised Persons

"Authorised Persons" are defined under sections 13(2) and 69(2) of the Act and are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health officers.

Closure Order

The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

Club Premises Certificate (CPC)

A certificate which licences a qualifying club for the sale/supply of alcohol to its members and bone fide guests. It can be granted to members clubs which comply with specific conditions, e.g. membership rules, run by club committees, profits go to members not an owner etc. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

Conditions

A premises licence or club premises certificate may be granted subject to different

conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence or a temporary event notice. Conditions will only be imposed on a premises licence or club premises certificate that are necessary for the promotion of the licensing objectives. Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

Designated Premises Supervisor (DPS)

The person, in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence or will be the premises licence holder themselves (who must also be a personal licence holder).

Interested Parties

“Interested Parties” are defined under sections 13(3) and 69(3) of the Act and are specified as persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

Interim Authority Notices

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can within 28 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to Police objection, for a period of up to 3 months so the premises can continue trading.

Late Night Refreshment

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

Licensable Activities

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

Licensing Authority

Lichfield District Council

Licensing Objectives

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives which are:

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

Licensed Premises

Includes club premises and events unless the context otherwise requires.

Mandatory Conditions

Conditions that the Act requires are imposed on a premises licence, club premises certificate or a personal licence.

Objection Notice

A procedure whereby the police can object to the grant of a personal licence on the grounds, where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

Operating Schedule

A document containing a statement of the following matters (and any others that may be prescribed):

- steps taken by the licence holder to tackle the four licensing objectives;
- the licensable activities to be conducted on the premises;
- the times during which the licensable activities are to take place and any other times when premises are open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

Personal Licence

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the Police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

Provisional Statement

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being

constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

Qualifying Club

Club premises certificates will be issued to qualifying clubs. To be eligible for a club premises certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

Regulated Entertainment

- A performance of a film;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance;
- (or entertainment of a similar description falling within the last three of the categories listed above),

where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Relevant Offences

Relevant offences are set out in Schedule 4 to the 2003 Act.

Relevant Representations

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take “steps” consistent with the licensing objectives when considering the application.

Responsible Authorities

“Responsible Authorities” are defined under sections 13(4) and 69(4) of the Act and means any of the following:-

- the Chief Officer of Police in the area where the premises are situated;

- the Fire Authority in the area where the premises are situated;
- the enforcing authority for Health and Safety at Work;
- the Local Planning Authority;
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health;
- those bodies responsible for, or interested in, matters relating to the protection of children from harm, or are recognised by the Licensing Authority as being competent to advise on such matters;
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.

The names and contact details for all of the responsible authorities is available from our website at www.lichfielddc.gov.uk.

Review of Licence

Where a premises licence is in force an interested party or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to 3 months; or the revocation of the licence.

Statement of Licensing Policy

Each licensing authority must every 3 years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Temporary Event Notice

A permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used;
- the number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in 1 year, and any other person to 5 notices in a similar period;

(If these conditions are not fulfilled, the temporary event would require a premises licence if it were currently unlicensed for the activity involved).

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may

be made to transfer the premises licence to the new owner.

Lichfield District Council – Saturation Policy

This policy applies to the following roads ('the special saturation area'):

- (1) Bird Street up to the junction with Swan Road, Lichfield and**
- (2) Market Street from its junction with Bird Street to its junction with the Market Place, Lichfield**

The Licensing Authority is aware of the link between an increase in licensed premises within the city centre and the rise in the number of violent crimes, and anti-social behaviour, over more than five years.

As a consequence of the number of late-night premises within the city, the Licensing Authority and the Police have adopted many special measures to deal with the resulting crime and anti-social behaviour. These have included additional police resources at times of peak demand; the introduction of CCTV in the city centre; employing enforcement officers; and playing a full part in supporting a City Centre Pubwatch scheme. Despite these, the measure of violent crime within the city centre at the peak hours of between 22:00 and 03:00 hrs has continued to rise.

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998, and an improvement in local amenity through the reduction of anti-social behaviour.

Accordingly, the Licensing Authority is adopting a special saturation policy. Where relevant representations have been received about applications within the special saturation area, it will consider whether to refuse the application if it appears that the application is likely to add to the existing problems of crime and disorder in the area, or if public nuisance is more likely than not to be caused.

As part of this policy, the licensing committee will not consider whether or not there is a *need* for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact a new premises licensed to sell alcohol would have on the special saturation area.

Notwithstanding this policy, the Licensing Authority is under a legal duty under the Act to grant applications where there are no relevant representations. In circumstances where no representations have been received, a licence application will be granted. It is also open for applicants to demonstrate to the Licensing Authority that their application will not add to the existing cumulative problems of crime, disorder and nuisance within the special saturation area.

Exceptions to the Special Saturation Policy

In general, the Licensing Authority wants to encourage "family friendly" entertainment in the city centre and discourage anti-social behaviour especially that associated with excessive alcohol consumption.

Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:

- (1) the applicant can demonstrate that the only activity in the premises will not be the consumption of alcohol. This may be evidenced by the general nature of the business activity e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and/or
- (2) the applicant can demonstrate that the general age profile of customers will be 25+ and/or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions

In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.

If an exception is made to this Special Saturation Policy, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.

Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the policy include:

- (1) That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.
- (2) That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
- (3) The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by interested parties in the vicinity of the special saturation area.