

Local Policy Considerations:

Extracts from the local policy, relevant to this case, can be found below:

Paragraph 1.8 - Representations

The Act describes two "bodies" that may make representations to licence applications and may apply for an existing premises licence to be reviewed by the Licensing Authority, Responsible Authorities and "Other Persons". A list of Responsible Authorities can be found in Appendix 3 of this Policy Document.

Paragraph 1.9

"Other Persons" means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.

Paragraph 1.10

This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely. We would expect the author to explain in detail how, in terms of the licensing objectives, they would be affected by the application. The Licensing Authority will consider rejecting any representations which did not include sufficient detail to outline any harm or disturbance which may be caused.

Paragraph 1.13

It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, local businesses and local people towards the promotion of the objectives as outlined.

Paragraph 3.2

We recognise that the licensing and compliance role of the Licensing Authority is important in improving the health, safety, security and welfare of the District's residents, visitors and business community. As part of that remit we will have a responsible licensing regime, which balances the needs of licence holders and residents.

Paragraph 3.11

In order to avoid duplication with other existing legislation and regulatory regimes the Licensing Authority will, as far as possible, not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. It is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators (e.g. The Health & Safety at Work Act 1974).

Paragraph 5.10 - **Public Safety**

The Licensing Authority will carry out its licensing functions with a view to promoting public safety and will seek to ensure that licensees take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

The Licensing Authority encourages applicants to include in their operating schedules the steps they propose to take to promote public safety.

Paragraph 5.12

Where appropriate the occupancy capacity for premises or events should be addressed. When music and dancing are a key feature in a venue, then capacity limits may be appropriate.

Paragraph 5.13

The design and layout of premises are important in determining capacity, as is the availability and size of exits. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:

- The nature of the premises or event.
- The nature of the licensable activities being provided.
- The provision or removal of such items as temporary structures, such as stage, or furniture.
- The number of staff available to supervise customers both ordinarily and in the event of an emergency.
- The age of the customers.
- The attendance by customers with disabilities, or whose first language is not English.
- Availability of suitable and sufficient sanitary accommodation.
- Nature and provision of facilities for ventilation.

Paragraph 10.16 - **Review of Premises Licences**

The Licensing Authority will consider the full range of powers available to it when a review of a premise licence becomes necessary. It will, however, be mindful of the need to prevent the review process being used as an opportunity by Responsible Authorities and interested parties to re-run earlier representations without due cause. The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives. Reviews of licences may be triggered at any stage by Responsible Authorities or interested parties because of a matter arising at the licensed premises and relating to one of the four licensing objectives. Reviews will become necessary following the service of a closure order by the Police. It is the Licensing Authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews should therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

Paragraph 10.17

This Authority emphasises the importance of all parties working in partnership to achieve the promotion of licensing objectives; the Authority expects that Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises.

Paragraph 10.26

The Licensing Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

Paragraph 10.27

The following is a list of steps the Authority is empowered to take if it considers them necessary to promote the licensing objectives:

- To modify the conditions of the licence.
- To exclude a licensable activity from the scope of the licence.
- To remove the Designated Premises Supervisor (DPS).
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered necessary the premises licence will remain in the form it was granted.

Paragraph 10.28

This Authority has adopted the "Red Card, Yellow Card" approach to reviews recommended by the Secretary of State in September 2008 and will use such an approach when it is appropriate to do so. Further information on this approach is available by contacting the Licensing Team.

Paragraph 10.29

Whilst bearing the Red Card, Yellow Card approach in mind this Policy stresses that in cases when the crime prevention objective is being undermined it can be expected that revocation of the licence – even in the first instance – will be seriously considered.