

**Relevant Extracts from the Council's Local Statement of Licensing Policy**

**Paragraph 1.11**

We take the following approach to the decision making process:

- a) Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;
- b) Other parties can include residents' / tenants' associations, community associations and trade associations. Councillors may represent other parties, providing they do not also sit on the Licensing SubCommittee determining the application in question.
- c) We will give clear reasons for our decisions.

**Paragraph 1.12**

Where valid representations are made applications will be considered by a Licensing Sub-Committee (consisting of Councillors); we give both applicants, Responsible Authorities and other parties an equal opportunity to state their case in accordance with our protocol, which is available from our Licensing Team.

**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 1.14**

Each licence application will be considered on its own merits in the context of the four licensing objectives, and unless relevant representations are received from Responsible Authorities or other parties, there is no provision for the Licensing Authority to impose conditions on a licence other than those proposed within an application.

**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 3.3**

Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the District. The efficient regulation of licensed premises plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the area.

**Paragraph 3.10**

In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

#### **Paragraph 4.8**

Applications will be determined having regard to:

- this Policy.
- the Licensing Act 2003 and subordinate legislation.
- Guidance issued by the Home Office.
- Any 'relevant representations' received (provided they are not determined by the Licensing Authority to be frivolous, vexatious etc.)

#### **Paragraph 5.1**

Each of the four licensing objectives is of equal importance. The Licensing Authority considers the effective and responsible management of the premises and the instruction, training and supervision of staff in the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.

#### **Paragraph 5.4 Prevention of Crime and Disorder**

The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises. In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and do all it reasonably can to prevent crime and disorder in the District.

#### **Paragraph 9.1 Conditions of Licence**

Where Responsible Authorities and other parties do not raise any representations about the application made to the Licensing Authority it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.

#### **Paragraph 9.2**

The Licensing Authority may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the need to impose conditions due to the representations raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations.

#### **Paragraph 9.4 Model Pool of Licence Conditions**

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Conditions should be tailored to the particular circumstances of an individual licensed premise and determined on a case-by-case basis. Standardised conditions which ignore these individual aspects should be avoided.

#### **Paragraph 9.5**

The Licensing Authority does not propose to implement standard licence conditions across the board. However, it will develop its own pool of model conditions, and attach such conditions as appropriate given the circumstances of each individual case.

**Paragraph 9.6**

All parties are reminded that conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and then be translated to form part of the operating schedule for the premises. This Authority's pool of model conditions has been produced to assist prospective licence holders where they consider that conditions from the pool would promote the licensing objectives in the circumstances of their application.

**Paragraph 9.8**

The pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence or club premises certificate. It does not restrict any applicant, Responsible Authority, or other person from proposing any alternative conditions, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a premises licence (or club premises certificate) it considers appropriate for the promotion of the licensing objectives.

**Paragraph 9.9**

The imposition of conditions, by a Licensing Sub-Committee, will be determined upon the individual merits of the application.