APPENDIX 6

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 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 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.

Designated Premises Supervisor (DPS)

Paragraph 10.9

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

Paragraph 10.10

The main purpose of the Designated Premises Supervisor is to ensure that there is always one specified individual, among the personal licence holders at a premises, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises. In view of this the Licensing Authority would expect an applicant for a premises licence to confirm in his operating schedule, that the Designated Premises Supervisor will regularly attend the premises and be in day-to-day charge of them.

Paragraph 10.11

This Licensing Authority recommends that the DPS undergo relevant training, such as the Designated Premises Supervisor course provided by the BIIAB, in order that they are made aware of the responsibilities this position brings with it.

Review of Premises Licences and Club Premises Certificates

Paragraph 10.16

The Licensing Authority will consider the full range of powers available to it when a review of a premise licence or a club premises certificate becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by Responsible Authorities and other 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 10.18

Responsible Authorities and other parties can apply for the review of a licence; the Licensing Authority itself can also initiate the review process.

Paragraph 10.19

When acting as a Responsible Authority the Licensing Authority will operate in accordance with the Home Office Guidance to Licensing Authorities – that is, there will be clear and identifiable separation of responsibilities.