



STATEMENT OF LICENSING POLICY

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1.0 INTRODUCTION AND SCOPE OF THE POLICY

- 1.1 The Licensing Act 2003 (hereafter referred to as the 'Act') imposes a statutory duty upon local authorities to produce, develop and review a licensing policy.
- 1.2 The aim of the policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. Gedling Borough Council as Licensing Authority (hereafter referred to as the 'Authority') in adopting this licensing policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of well run entertainment premises to the local economy and vibrancy of the Borough. To achieve this aim Gedling Borough Council is committed to partnership working with police, fire service, local businesses, licensing trade, residents and others towards the promotion of the objectives as set out in this policy.
- 1.3 This policy provides information and guidance to licence applicants, objectors and interested parties on the general approach that the Authority will take in terms of licensing. Although each application will be considered individually on its own merits, the Authority in adopting this licensing policy is indicating that wider considerations other than the fitness of the applicant and suitability of premises will be taken into account in making an appropriate determination.
- 1.4 Where responsible authorities and interested parties do not raise any representations about the application made to this licensing authority, it is the duty of the 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 Licensing Act 2003.
- 1.5 In accordance with the statutory procedures, a review of this policy will take place periodically, to take into account information collated over a period of time, coupled with the outcomes of related initiatives relating to alcohol and entertainment at central and local government level.
- 1.6 Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.
- 1.7 In the preparation and publication of this policy the Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act (hereafter referred to as the 'Guidance'). Nothing in this policy will undermine any person from applying for a variety of permissions under the Act.
- 1.8 This policy statement will come into force on 7th February 2005 and remain in force for a period of three years.

POLICY CONSULTATION

- 1.9 In developing this statement of licensing policy, the Authority has consulted widely to ascertain an appropriate licensing framework for its area and due consideration was given to those who responded. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the 2003 Act.

- the police
- the fire authority
- current licence holders
- representatives of the local licensing trade
- representatives of local businesses and residents

1.10 In addition the Authority has consulted:

- representatives of the local strategic partnership
- local community action teams
- licensing solicitors
- parish councils
- ambulance service
- Area Child Protection Committee
- Security Industry Authority

1.11 In order to achieve an effective consultation process the Authority will establish a Licensing Forum, to be made up of the bodies and representatives, identified in 1.9 and 1.10. The Licensing Forum will have the opportunity to comment on the development of the Policy in the light of its implementation and the emerging perceived needs of the trade and the community.

2.0 INTERPRETATION OF THE POLICY STATEMENT

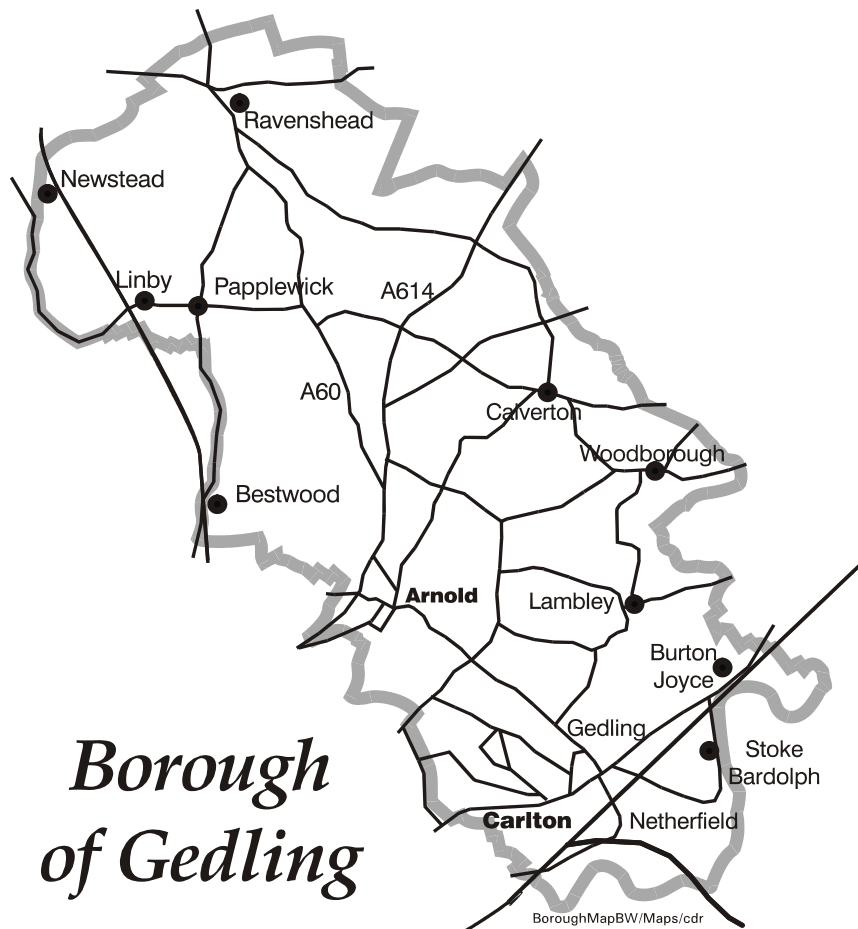
2.1 All Policy items are shown in **BOLD** and the reason for each policy shown immediately after in ***BOLD ITALICS***.

2.2 For convenience, all Policies are also listed separately at Appendix D.

2.3 The appendices DO NOT form part of the Statement of Licensing Policy

3.0 PROFILE OF THE BOROUGH OF GEDLING

3.1 The Borough of Gedling covers 11998 hectares to the north and east of the City of Nottingham, which is the regional centre for the night-time economy. The Borough includes the commutable suburbs to the City Centre of Arnold, Mapperley, Carlton, Gedling and Netherfield, together with ten rural villages. Arnold Town Centre, Carlton Hill and Woodborough Road/Plains Road have the highest intensities of premises which will require licensing. The Borough of Gedling shares boundaries with three other local authorities namely Rushcliffe Borough Council, Newark and Sherwood District Council and Ashfield District Council. Around 111,000 people live in the Borough in total.



3.2 The area has a wide variety of premises licensed for the sale of alcohol with approximately 75 public houses, 65 off licences, 48 licensed club premises (ie social clubs) and 20 restaurants. There are also a number of businesses selling food after 11 p.m. including non-liquor licensed restaurants, takeaway premises and mobile food vehicles, which require licensing under the Act.

4.0 TOURISM & CULTURE

4.1 The Authority recognises that licensed premises in the Borough are a contributor to the Borough attracting tourists and visitors, making for vibrant communities and providing employment opportunities.

4.2 The Authority will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing. Where there is any indication that licensing requirements are deterring such events, the policy will be revisited with a view to investigating how the situation might be improved. Only proportionate, reasonable and necessary conditions should be imposed on any such events. As part of implementing the Council's Leisure Services Strategy proper account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

4.3 Arrangements have been made for the Licensing Act Committee to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure

that these are reflected in their considerations. It is the intention of the Authority to keep the Licensing Act Committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.

- 4.4 Under the Act the Authority intends to licence in its own name public spaces and publicly owned buildings including Arnot Hill Park and Eagle Square, Arnold, community and leisure centres. Under these licences, performers and entertainers would not need to obtain a separate licence or give a Temporary Event Notice themselves to enable a performance to be given but would require the permission of the Leisure Department of the Council as the licence holder. Performers would also need to adhere to any conditions relating to the use of such premises.
- 4.5 Without being exhaustive, in considering any licence application the Authority will take into account the following factors-
- The positive impact of the proposal in attracting visitors
 - The positive impact on enhancing the attractiveness of the wider area.
 - The jobs created.

AMENITY

- 4.6 The Authority has a duty to protect the amenity of its resident population. In addition commercial occupiers have an expectation of an environment that is attractive and sustainable for their business.
- 4.7 Without being exhaustive, in considering any licence application the Authority will take into account the following factors-
- Noise
 - Street crime and disorder
 - The capacity of the Authority's infrastructure
 - Resources, including Police resources, to cope with the influx of visitors particularly late at night.
 - The necessity for imposing conditions in terms of noise control or hours restrictions.
 - The availability of adequate transport at all material times to ensure a swift dispersal of customers away from the area
 - Traffic management
- 4.8 In adopting this policy the Authority recognises that each application will be considered on its merits.

5.0 LICENSING OBJECTIVES

5.1 The Act provides that the Authority has a duty to carry out its functions under the Act with a view to promoting the prescribed licensing objectives:

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

Each licensing objective is of equal importance.

5.2 The Authority's Licensing Objectives are fixed by the Act and cannot be altered.

5.3 Recognition is given to the variety of activities for which licences may be sought and this document specifies licensing policies in respect of those regulated entertainments, premises from which alcohol may be served, late night hot food outlets and other licensed activities. Shops, stores and supermarkets should as the norm be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. Proper regard will be given to the following where appropriate:

- Location of and environmental impact of the proposed activity
- Suitability and fitness of applicants
- Suitability of premises subject to the application
- Operation and management functions
- Consultation processes
- Monitoring, review and enforcement

5.4 Whilst the factors in 5.3 will be under consideration it should be stressed that the following fundamental principles will be observed:

- the right of an individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits.
- the statutory right of any person to make appropriate representations or to seek a review in respect of any application.
- that the statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation
- When conducting a review of a licence the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

and that any terms and conditions will focus on:

- matters within the control of individual licensees and others who are granted any relevant permissions;
- the premises and places being used for licensable activities and their immediate vicinity; and
- the direct impact of the activities taking place at the relevant premises on members of the public living, working or engaged in normal activity in the area concerned.

Conditions attached to premises licences and club premises certificates will, as far as possible, reflect local crime prevention strategies.

5.5 The Authority does not regard this policy as a general mechanism for the control of anti-social behaviour by individuals once they are beyond the vicinity of the club, business or licensed premises holding the relevant licence, certificate or permission. [See Section 8, Cumulative Impact].

6.0 EXCLUSIONS

6.1 In formulating its general policy and recognising the need to treat each application on its individual merits the Authority makes specific exclusions, which are detailed below.

COMMERCIAL DEMAND

6.2 The commercial demand for additional premises licences [as distinct from cumulative impact] will not be a matter for the Authority's licensing authority.

ZONING AND LICENSING HOURS

6.3 Individual applications will be considered on their own merits and in general terms a flexible approach will be adopted and arbitrary restrictions will be avoided. Fixed predetermined closing times for particular areas will not form part of the policy and restriction on trading hours will be considered only where necessary to meet the licensing objectives. Longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

6.4 All residents living in the vicinity of any licensed premises have equal rights to make representations concerning applications for premises licences (and hours of trading) and to receive appropriate consideration of their representations. Unreasonable, frivolous or vexatious representations will be disregarded.

STANDARDISED CONDITIONS

6.5 The policy does not provide for any 'standard conditions' to be imposed to avoid the imposition of disproportionate and burdensome requirements. It should be noted that a 'pool of conditions' from which appropriate and proportionate conditions may be drawn in particular circumstances is provided in this policy statement at Appendix E.

- 6.6 Conditions attached to licences if required in particular circumstances will be tailored to reflect the individual style and characteristics of the activities concerned. The pool of conditions is not exhaustive. Conditions will not be imposed which are beyond the responsibility or control of the licence holder.

7.0 STRATEGIC LINKS AND OTHER REGULATORY SYSTEMS

This Authority is conscious of the need to secure the integration of its licensing policy with local crime prevention, planning, transport, tourism, race equality schemes, and cultural strategies and any other plans introduced for the management of town centres and the night-time economy whilst avoiding duplication.

STRATEGIC LINKS

- 7.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Whilst the following is not meant to be a complete list, it identifies the key areas which may inform and shape the policies contained in this policy statement.

Community Strategy

- 7.2 The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – “A Better Quality of Life” and relevant regional strategies.
- 7.3 Community strategies provide a crucial focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.
- 7.4 Local strategic partnerships, typically involving the police, local authorities, primary care trusts, representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

Crime And Disorder

- 7.5 Under the Crime and Disorder Act 1998 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. Also, as one of the statutory partners within the Crime and Disorder Reduction Partnership, the local authority will effectively deliver the Licensing Policy Statement as a named partner taking account of the three yearly Gedling Crime and Disorder Strategy. The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

Alcohol Harm Reduction Strategy

- 7.6 The Alcohol Harm Reduction Strategy (AHRS) has the overall aim of reducing the harm caused by alcohol misuse in England. It sets out four key measures that the Government can act upon to reduce alcohol related harms. These are:
- improved, and better targeted, education and communication
 - better identification and treatment of alcohol problems
 - better co-ordination and enforcement of existing powers against crime and disorder
 - encouraging the industry to continue promoting responsible drinking and to continue to take a role in reducing alcohol related crime
- 7.7 The Authority will take into account the AHRS, particularly Chapter 6 on alcohol-related crime and disorder when making decisions on applications.

Anti-Social Behaviour Act 2003

- 7.8 This Act is designed to provide local authorities and the police with a wider, more flexible range of powers for meeting existing responsibilities and respond to the needs of their communities. The Act provides new powers and sanctions to deal with serious anti-social behaviour including the immediate closure of licensed premises causing a public noise nuisance.

Safer Clubbing

- 7.9 The Government produced the “Safer Clubbing” guidance in order to improve safety for all club goers and in particular to reduce the risk of harm associated with drug use and clubbing. The licensing regime is expected to use a range of conditions to control the environment at club premises. Where the licensing regime can impact on factors which increase the risk to safety of those taking drugs, authorities are expected to take a proactive role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

POLICY 7.1

The Authority will have regard to the likely impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

REASON: Under the Crime and Disorder Act 1998 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.

OTHER REGULATORY SYSTEMS

Planning Control

- 7.10 Care will be taken to ensure that where there is an overlap between the licensing regime and the planning regime, control is exercised through the most appropriate system.

POLICY 7.2

Generally, the Authority will not entertain an application for a new licence or variation of conditions unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning permission, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered where the planning status of the premises has not been finalised.

REASON: To secure an appropriate integration of statutory functions.

- 7.11 Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of the Authority's statement of licensing policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes.
- 7.12 Planning permission is usually required for the establishment of new premises and/or the change of use of premises. Planning uses that may be relevant to licensed premises include:
- use as a retail shop, licensed for the sale of liquor e.g. an off-licence.
 - use for the sale of food and drink for consumption on the premises or where hot food is sold for consumption off the premises, including restaurants and bars.
 - use for assembly or leisure, including cinemas, concert halls, dance halls and indoor/outdoor sports and recreation.
 - use as a hotel that has a restaurant or bar included in its authorised use.
- 7.13 Under the current Use Classes Order, planning permission is generally required if the use of an existing premises changes use class.

Building Control

- 7.14 Building Regulations govern a variety of issues, which will directly contribute to the national objectives of the licensing regime including means of escape, structural integrity, accessibility and public safety. “Approved Inspectors” offer a private sector alternative to local authority Building Control services. Building Regulations Approval and Completion Certificates will be required (where appropriate) prior to the use of licensed premises.

Health & Safety At Work etc. Act 1974

- 7.15 The Health & Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to persons affected by work activities. Local authorities are the enforcing authority for the majority of premises at which licensable activities are carried on; in other cases the Health & Safety Executive is responsible.

Statutory Nuisance

- 7.16 The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance, which include noise, and take enforcement action where a statutory nuisance exists. The development of joint working procedures and protocols between environmental health officers, police and licensing staff will be essential in ensuring that these control measures are properly used, and effectively protect the local environment. The powers available to deal with noise nuisance were extended by the Anti-Social Behaviour Act 2003, to include the power to close noisy premises and deal with night time noise. The issue of a licence for the carrying out of an activity at premises does not override an individual's right not to suffer a statutory noise nuisance.

Disability Discrimination Act 1995

- 7.17 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:
- since *December 1996* it has been *unlawful to treat disabled people less favourably* than other people for a reason related to their disability;
 - since *October 1999* they have had to make *reasonable adjustments* for disabled people, such as providing extra help or making changes to the way they provide their services; and
 - since
 - *October 2004* they have to make *reasonable adjustments to the physical features* of their premises to overcome physical barriers to access.

Race Relations Act 1976

- 7.18 Local authorities are required under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

Human Rights Act 1998

- 7.19 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right.

POLICY 7.3

The Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights when determining applications.

- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- Article 6 - that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 - that everyone has the right to respect for his home and private life.

REASON: The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right.

8.0 CONSIDERATION OF THE IMPACT OF LICENSED ACTIVITIES

- 8.1 The characteristics of an area and the impact that the premises may have upon that area are a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions to be attached to various authorisations will be focussed on matters that are within the control of individual licensees and others in possession of relevant authorisations. Accordingly these matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the “vicinity” will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on members of the public living, working or engaged in normal activity in the area concerned.

- 8.2 Licensing law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises. Rather it is part of an holistic approach to the management of the Borough.
- 8.3 Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and also once patrons leave the vicinity of licensed premises. Regard will be had to the Secretary of State's Guidance in this respect and the following mechanisms may be employed:
- Planning controls.
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
 - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
 - Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - The confiscation of alcohol from adults and children in designated areas.
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
 - Any other local initiatives that similarly address these problems.
- 8.4 Policy 8.1 lists particular matters that need to be taken into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents, and thereby undermine any of the Licensing Objectives.
- 8.5 Levels of noise from licensed premises, which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. It would not be appropriate, for instance, to have licensed activities which cause large numbers of people to exit into a residential area as opposed to a situation where pedestrian movement takes place directly to and from nearby public transport services.
- 8.6 Car parking by customers of licensed activities can be a serious problem. This affects local residents in terms of noise and their ability to find a convenient parking space. When considering the possible impact on residents, the Authority will look at the area

within which the impact could be experienced in particular the likely distance at which most customers arriving by car would seek to park.

POLICY 8.1

When preparing or considering applications, applicants, interested parties, relevant bodies and the Licensing Authority should, where appropriate, take into account the following matters in assessing both the potential for the licensing objectives to be undermined and the necessity for, and proportionality of, any conditions which may be imposed on any resulting licence, certificate or permission:-

- (a) The nature of the area within which the premises are situated
- (b) The precise nature, type and frequency of the proposed activities
- (c) Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives (including the proposed hours of operation) and to suggest conditions to be attached to the licence to achieve their intended operation.
- (d) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises
- (e) Means of access to and exit from the premises
- (f) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises
- (g) Parking provision in the area
- (h) The potential cumulative impact (see below)
- (i) Other means and resources available to mitigate any impact
- (j) Such other matters as may be relevant to the application

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 8.7 The Authority is mindful of the responsibilities which licence holders have for preventing anti-social behaviour by individuals on their premises and within the vicinity. The Authority must however also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the Borough.

POLICY 8.2

In addressing Policy 8.1 above the Authority will expect applicants to address the following issues, where relevant, in their Operating Policy Schedule

- (a) Measures aimed at minimising or preventing Crime and Disorder both on and in the vicinity of the premises
- (b) Measures aimed at ensuring public safety
- (c) Measures aimed at the protection of children from harm
- (d) Measures aimed at minimising or preventing public nuisance. In particular the Authority will expect the operating schedule to demonstrate how it is intended that the premises will be "good neighbours" both to residents and other neighbouring venues and businesses. The Authority also expects the applicant to propose practical and achievable steps to prevent disturbance to local residents

REASON: To ensure that the licensing objectives are not undermined and to aid consideration of the application.

8.8 Measures for addressing the above policy could include the following:

Minimising Crime and Disorder:

- Use of CCTV both within and outside the premises;
- Metal detection and search facilities;
- Procedures for risk assessing promotions and events such as "happy hours" and plans for minimising such risk;
- Measures to prevent the use or supply of illegal drugs;
- Employment of licensed door supervisors and other appropriately trained staff;
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure and social drinking environment
- Providing a help-line for concerned residents

Ensuring Public Safety:

- The preparation and application of appropriate risk assessments;
- The setting and monitoring of occupancy levels for the premises;
- Reasonable facilities, access and egress for people with disabilities;
- Having glassware policies;

[See also Section 10.0 of this policy relating to Drugs]

Protection of children from harm:

- Exclusion from the premises in certain circumstances;
- Adult to child ratios;

[See also Section 9.0 of this policy]

Preventing Nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise breakout;
- Sound limiting devices, or insulation to contain noise or vibration so as to address noise breakout not only from music but also from air handling equipment or patrons;
- With popular premises that attract queues, ensuring that the direction of any queue is away from residential accommodation and take steps to ensure that queues do not result in an obstruction of the highway;
- Proper and adequate door supervision;
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Arrangements with licensed taxis or mini-cabs to take patrons from the premises;
- In appropriate cases, door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it;
- Banning people who regularly leave in a noisy fashion and co-ordinating with other premises on such bans;
- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises;
- Adequate provisions for dealing with litter/refuse arising from the operation of premises;
- Appropriate times for and methods of dealing with bottle delivery, disposal and collection.

8.9 A pool of conditions (which is attached at Appendix E) seeks to address common areas of concern.

CUMULATIVE IMPACT

8.10 In some areas of the Borough concentrated “pockets” of licensed premises/activities exist which might in the future lead to serious problems arising in the area, even some distance away from the premises. In such circumstances the impact of those premises, when taken as a whole, can be far greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributing factor, of a particular problem. It is the combined impact of all the premises which causes problems for a wider area and potentially undermines the licensing objectives.

- 8.11 The impact on the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area is called *cumulative impact*. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications. In addressing cumulative impact the Authority cannot impose quotas of premises or licences, nor can it adopt the principle of fixing predetermined hours of operation for a particular area (“Zoning”).
- 8.12 Having consulted those individuals and organisations listed in Section 5(3) of the Licensing Act the Authority is satisfied that there are no areas within the Borough which currently suffer from cumulative impact. However the Authority feels that it is both necessary and appropriate to include an approach to this issue in this Policy.
- 8.13 In order to address cumulative impact in particular areas the Authority may apply the policies below (“*The Cumulative Impact Policies*”) which create a rebuttable presumption that certain types of applications for new premises licences or club certificates or material variations will normally be refused. The presumption will be rebutted where applicants can demonstrate through the operating schedule and, where appropriate, supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced or that the risk factors associated with the application are such that cumulative impact will not be an imminent threat were the application to be granted. The policies however do not relieve responsible bodies or interested parties of the need to make representations before such applications are refused. If no representations are received then the application must be granted in terms consistent with the submitted operating schedule.

POLICY 8.3

Policies 8.4 to 8.8, contained in this section, only apply to applications for

- **New premises licences,**
- **New club premises certificates**
- **Provisional statements**
- **Material variations to existing premises licences/Club Registration Certificates (i.e. where the modifications are directly relevant to the issue of cumulative impact, e.g. those which significantly increase the capacity of the premises)**

REASON: To ensure that the policies are applied proportionately and only to those applications which have the potential to undermine the licensing objectives in specific areas.

- 8.14 The problems associated with cumulative impact generally arise from those who have consumed large amounts of alcohol in licensed premises and who then seek to move on to other licensed premises in an area (eg, other pubs, clubs or takeaways) or congregate around bus stops, taxi ranks etc. For this reason the cumulative impact policies will normally only be applied to premises which include the sale of alcohol for

consumption on the premises. However, there may be occasions where problems arise out of the cumulative impact of other types of premises.

- 8.15 The Statutory Guidance at paragraph 3.22 indicates, for example, that "...it would not normally be justifiable to adopt a special policy on the basis of a concentration of shops, stores, or supermarket selling alcohol for consumption off the premises", it does not indicate that such a situation could never be justified. The guidance is clear that Cumulative Impact Policies should never be absolute. The Authority would usually expect to apply such policies to premises licensed for the sale of alcohol for consumption on the premises. However, there may be exceptional cases where the policies could apply to other types of premises, e.g. late-night refreshment and "off-licensed" premises if there were a significant problem with drinking and associated anti-social behaviour on the street and where it could be shown that other methods of tackling the problem, (eg prosecution, anti social behaviour orders and closure orders,) were not having an adequate effect. The Authority stresses however that it would only apply Cumulative Impact Policies to such circumstances in exceptional cases.
- 8.16 The Guidance in paragraph 3.18 makes reference only to the licensing objectives of preventing Crime and Disorder and Public Nuisance however there is a clear reference to "the licensing objectives" in general terms elsewhere in the Guidance e.g. paragraphs 3.13, 3.14, and 3.16. Crime and disorder itself can have a direct impact on public safety and the protection of children. For these reasons the policies in this section are widely drawn so as to encompass all the licensing objectives where they are relevant though it is expected that in the majority of cases where these policies are applied the main concerns will be about crime and disorder and public nuisance.
- 8.17 Applications for provisional statements may be made where new premises are proposed but have not yet been built or where a substantial variation is proposed to existing premises. Potential licensees may make such an application in order to have a degree of assurance that a licence would be granted before committing themselves to the necessary investment. Where a provisional statement has been issued by the Authority to the effect that an application would be granted and the schedule of works accompanying the application for the provisional statement is completed satisfactorily, then any subsequent application for a premises licence must be granted and any representation which could have been raised at the Provisional Statement stage must be disregarded. It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process. For this reason Provisional Statements are included in the cumulative impact policies. Whilst applications for Provisional Statements cannot be refused, it is considered that such statements could properly be used to indicate that even if the works were satisfactorily completed, the subsequent premises licence application could be refused on the grounds of cumulative impact.
[Section 11 contains guidance on how to apply to vary a licence]
- 8.18 Temporary event notices are of their nature of a limited duration and only for relatively small numbers of people. For that reason they are unlikely to significantly add to the impact already caused to an area and are therefore excluded from the application of the cumulative impact policies.

POLICY 8.4

Where the Authority is satisfied:

- (i) that there is concern, primarily about crime, disorder and/or public nuisance arising and caused by the customers of licensed premises in a specific area, or
- (ii) that the risk factors are such that the concern mentioned in (i) above is imminent,

it may resolve that the area be designated a Saturation Zone and policies 8.5 and 8.8 below shall apply to that area

REASON: To ensure that the policies are applied proportionately.

- 8.19 The following policies shall be applied in relation to any future Saturation Zones which the Authority may designate.

POLICY 8.5

In cases where responsible authorities or interested parties seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact which would undermine one or more of the licensing objectives they shall:

- (a) Identify the licensing objective(s) which it is alleged will be undermined and
- (b) Provide evidence with specific regard to the matters listed in Policy 8.1 above and 8.6 below to show how those objectives may be undermined
- (c) If the representation relates to an existing Saturation Zone, identify that area or
- (d) If the representation relates to an area not previously designated as a Saturation Zone
 - (i) Identify the boundaries of the area from which it is alleged problems are arising
 - (ii) Provide full details and evidence as to the extent and seriousness of the licensing objective being at risk or being undermined in the area
 - (iii) Provide evidence to show that the undermining of that objective is caused by the patrons of licensed premises in the area

REASON: To ensure that representations are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

POLICY 8.6

In considering applications and representations under this part the Authority will in addition to the matters listed in policy 8.1 above have particular regard to:

- (a) The proximity of the application premises to others in the area concerned that are licensed or subject to a provisional statement for similar activities.
- (b) The occupancy figure of existing licensed premises, or premises subject to a provisional statement, in the area concerned.
- (c) The operational hours of existing licensed premises, or premises subject to a provisional statement, in the area concerned.
- (d) The nature of licensed activities in the area.
- (e) Whether the proposed premises will act as a direct replacement for others no longer licensed in the area.
- (f) If the grant of the application would result in or further contribute to a cumulative impact, whether conditions would be effective in preventing the problems involved.

REASON: To ensure that regard is had to all relevant considerations relating to the area.

POLICY 8.7

Applications of the type listed in policy 8.3 above will be refused (or in the case of provisional statements an indication will be given that the subsequent application for a Premises licence would be refused,) in Saturation Zones except where:

- (a) No representations are received on the application from relevant bodies or interested parties, or,
- (b) The applicant is able to satisfy the Authority through the operating schedule and for supporting evidence that, taking into account the matters listed in Policies 8.1 and 8.6 above,
 - (i) it has taken such steps as are reasonable, achievable and sustainable to prevent or minimise the problems experienced in the area, and
 - (ii) the relevant licensing objectives will not be undermined.

REASON: To ensure that applicants have taken appropriate steps to minimise the impact of their premises on the area and to

ensure that only those applications which will not significantly add to the problems of cumulative impact are granted.

LICENSED PREMISES IN SATURATION ZONES

- 8.20 The fact that particular premises are in a Saturation Zone cannot be used as a justification for removing an existing licence. If representation is received that existing licensed premises have an impact that undermines the licensing objectives, then relevant bodies may request a review of that specific licence.
- 8.21 Where applications are received for variations to existing licensed premises they will normally be granted unless a representation is received that the variation is material and directly relevant to the issue of cumulative impact. In such circumstances Policies 8.5 and 8.7 above apply to that application.

REVIEW OF DESIGNATION AS A SATURATION ZONE

POLICY 8.8

Where representation is made that the identified problems that led to the designation of a Saturation Zone have been mitigated or no longer apply, the Authority will reconsider the designation and may remove such status where it considers there is evidence for doing so.

REASON: To ensure that these restrictive policies are applied only where necessary.

- 8.22 In making their report to the Licensing Act Committee on the Crime and Disorder Licensing Objective during the previous reporting period, the Police will include a statement of their views on the status of any declared Saturation Zones in existence at that time and whether the declaration and Authority policies are having the desired effect on the area.

9.0 PROTECTION OF CHILDREN FROM HARM

- 9.1 The Authority recognises that there are many activities for which licences may be sought. These will be located in a great variety of premises such as public houses, night-clubs, hotels, inns, theatres, cinemas, concert halls, restaurants, cafes, take-aways, fast-food outlets, community halls, schools and colleges.
- 9.2 Where there are concerns over the potential for harm to children the Authority recognises the following bodies as competent to advise on matters relating to the protection of children from harm:
- Nottinghamshire County Council Social Services Department/ The Area Child Protection Committee

Applicants should therefore copy their applications to one/both of these bodies in the capacity as a responsible authority for representation to the Authority and in support of the application.

9.3 Examples which may give rise to concerns in respect of children, include those:

- Where there have been convictions for serving alcohol to minors
- Where there is evidence of underage drinking
- Where there is a known association for drug taking or dealing
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
- Where entertainment of an adult or sexual nature is provided

POLICY 9.1

Where relevant representations are received the Authority will impose conditions restricting the access of children to premises where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and restriction of access may not ensure adequate protection of children from harm, applications will be refused.

REASON: The Authority considers that harm may be moral and psychological as well as physical.

SALE OF ALCOHOL

- 9.4 The Act does not prevent children, who are accompanied by an adult, having free access to premises selling alcohol for consumption on those premises (including premises such as those listed in para. 9.1 above). However regard should be had to the various criminal offences created by the Act relating to the sale or supply of alcohol to children. The Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks is commended.
- 9.5 The Authority will not impose any conditions that specifically require the access of children to premises.

PROVISION OF ENTERTAINMENT OF AN ADULT OR SEXUAL NATURE

- 9.6 The provision of entertainment of an adult or sexual nature on premises may necessarily mean that access to those premises by children will not be permitted during periods when such entertainment is taking place.
- 9.7 The Authority expects applicants to include arrangements for restricting children from viewing any entertainment of an adult or sexual nature in their Operating Schedule

- 9.8 The Authority will expect that licensees ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with.

CHILDREN AND CINEMA EXHIBITIONS

- 9.9 Where premises are used for film exhibitions, the Authority will normally impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.
- 9.10 The Authority expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule.
- 9.11 The Authority expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.
- 9.12 In considering applications or reviews, the Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

POLICY 9.2

Where premises are used for film exhibitions, the Authority will fix conditions restricting access to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

REASON: The content of certain films exposes children to both moral and psychological harm.

CHILDREN AND PUBLIC ENTERTAINMENTS

POLICY 9.3

Where large numbers of children are likely to be present on licensed premises, for example a children's show or pantomime, the Authority will normally attach a condition requiring an adequate ratio of adults to children in order to ensure the prevention of harm to the children and to ensure public safety. Normally this will be supervision by appropriately qualified, fit and proper persons.

REASON: The presence of large numbers of unsupervised children will require adequate steps to be in place to ensure they are protected from physical harm and to ensure public safety

ACCESS TO PREMISES BY CHILDREN

POLICY 9.4

When deciding whether to limit the access of children to premises, the Authority will judge each application on its own merits.

Where concerns have been identified in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- Limitations on the hours when children may be present
- Age limitations for persons under 18
- Limitations or exclusion when certain activities are taking place
- Full exclusion of persons under 18 when certain licensable activities are taking place
- Limitations of access to certain parts of the premises for persons under 18
- A requirement for an accompanying adult to be present

REASON: It is not possible to anticipate every issue of concern that could arise with regard to individual premises when deciding to limit the access of children to premises.

10.0 DRUGS

- 10.1 The Authority recognises that some entertainment premises such as pubs, night clubs and dance venues can be popular both with drug misusers and suppliers. This section is aimed therefore at those premises that operate the type of events at which people are more likely to take drugs.
- 10.2 Many recent surveys indicate that more people are taking illegal drugs and are using a wider range than ever before. This is particularly true of, what are often referred to as, 'recreational drugs'. Certain factors exacerbate the risks to the safety of those taking drugs. These include taking combinations of controlled drugs and/or mixing these with alcohol, an overly hot environment with inadequate ventilation, dancing/exercising to exhaustion and a lack of adequate information about drugs.
- 10.3 Drugs alter the way people behave, often resulting in criminal and/or anti-social behaviour. Their distribution is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

POLICY 10.1

Where venues are likely to be affected by drug misuse the Authority will expect licensees to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to minimise danger to their customers as a result of drug misuse. Licensees will be expected to work with the Authority, Police and the Drug Action Team (DAT) to develop a drug policy for their venue combating drug dealing and use and ensuring the safety of their venue.

In particular the Authority will expect licensees to follow the guidance and implement the recommendations contained in the "Safer Clubbing Guide" produced by the Home Office, Department of Health and the DCMS. The Guide can be viewed in full on www.drugs.gov.uk

Where appropriate the Authority will impose licensing conditions aimed at ensuring as safe an environment as possible at the premises.

REASON: To promote the crime prevention objective and ensure public safety by addressing the dangers caused by drug misuse, mixture with alcohol, overheating and other related factors.

Methods of addressing policy 10.1 above could include the following activities, which are taken from the Safer Clubbing checklist for club owners, managers and event promoters. Applicants are encouraged to incorporate these, where relevant and appropriate, in their operating schedule:

- Developing a venue drug policy in consultation with licensing and police officers
- Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue
- Developing a constructive working relationship with licensing authority officers and police officers with licensing responsibilities
- Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully
- Employing door supervisors from a reputable company and with SIA accreditation
- Employing experienced and fully trained first-aiders
- Providing free and accessible supplies of cold water and ensuring that the provision of water is supervised to prevent contamination of water by others
- Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers
- Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team

- Sharing intelligence on drug use and drug dealing with police officers and other local venues
- Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues
- Considering the provision of safe transport home
- Ensuring that all staff are aware of the law and the responsibilities of the club to work within it

11.0 APPLICATIONS, VARIATIONS, RENEWALS AND REVIEWS

- 11.1 The Procedure and documentation required for the application process is prescribed by the Licensing Regulations and further advice on the application process can be found in the Guidance document issued by the Authority. This section therefore gives basic guidance on which type of application is appropriate to certain circumstances and how those applications will be considered, rather than detailed guidance on the content of such applications which can be found elsewhere. However the Licensing Regulations require applications to be advertised and served on various people and bodies and the following policy shall apply.

COMMUNITY ENGAGEMENT

- 11.2 A person making an application to the Borough Council as Licensing Authority for a Premises Licence or Club Premises Certificate or to vary an existing Premises Licence or Club Premises Certificate must consult with the 'responsible authorities' as defined in the Act. In the case of all premises, these include
- The Chief Constable of Nottinghamshire;
 - The Nottinghamshire Fire Service;
 - The Food/Health & Safety Section, Planning and Environment Department of Gedling Borough Council which is the Enforcing Authority for the area under Section 18 of the Health and Safety at Work Etc. Act 1974;
 - The Environmental Protection Section of the Planning and Environment Department of Gedling Borough Council by which statutory functions are exercisable in the Gedling area in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
 - The Local Planning Authority;
 - Nottinghamshire County Council's Social Services Department;
 - any other Licensing Authority in whose area part of the premises is situated.

In relation to vessels, the 'responsible authorities' will include

- The Maritime and Coastguard Agency;
- The Environment Agency;

- The British Waterways Board.

In the case of Temporary Events, the Notice must be served on:

- The Authority's Licensing Service;
- The Chief Constable of Nottinghamshire.

- 11.3 The consultation must include a copy of the application form, the operating schedule and a plan of the premises.

Scale of Plans

Plans in respect of an application for the grant of, or variation to a premises licence, club registration certificate or for a provisional statement, should be drawn to scale 1:100 on the metric scale. The Authority will only agree to accept plans on any other scale in exceptional circumstances and such agreement must be given before the application is lodged. Applications filed with plans on any other scale without the express agreement of the Authority will not comply with the requirements of the legislation and will be invalid.

Colour coding of Plans

- The location of the extent of the boundary of the premises to be licensed is to be edged in red.
- The Locations on or from the premises which are to be used for licensable activities shall be shown edged in brown and where there is more than one licensable activity taking part on the premises the applicant shall indicate on the plan (by way of shading/hatching or otherwise but to include a key) where each of those activities is to take place.
- Areas to which alterations to premises currently licensed are to be carried out and for which approval is sought, are to be edged in green.
- Areas to which children are permitted are to be edged in blue.

In addition to the requirements of the Legislation plans shall also show the location of any CCTV cameras and recording equipment used in the licensed premises.

If the application involves the supply of alcohol, a form of consent from the individual who is to be specified as the designated premises supervisor, must be included.

- 11.4 An application for the grant, variation or review of a premises licence must be advertised in a local newspaper in accordance with the Licensing Regulations. The content of the advertisement must include those terms and descriptions of the application that are prescribed by the Regulations made under the Act.

- 11.5 Applicants are reminded to send copies of the application to the responsible authorities and others where applicable as required on the prescribed application form. In order to minimise the burden on the applicant and the Licensing Authority, the applicant may seek the views of the responsible authorities before formally submitting applications and operating schedules.
- 11.6 The Authority, where appropriate, will also seek to consult non-mainstream groups and provide facilities and/or translators to assist those affected by the application who have access difficulties or those who do not speak English as a first language.
- 11.7 As consultation progresses, the consultees may contact the applicant to discuss the application and advise the applicant of their comments at that stage. It is accepted that consultees will enter into negotiation with the applicant should there be a point of contention over the application.

POLICY 11.1

Any form of application required to be advertised under the Licensing Legislation shall be advertised in line with the Licensing Regulations.

REASON: To ensure that the legislation has been complied with and that the application is valid.

PROVISIONAL STATEMENTS

- 11.8 Applications may be made for a Provisional Statement where premises are being or are about to be constructed for use for licensable activities, or are being or are about to be extended or otherwise altered for that purpose. This allows potential investors to “test the water” without having to commit a great deal of money to the project. Such applications should only be made where the applicant does not possess the information which would normally be specified in an operating schedule. In such circumstances regard should still be had to the policies to be found in Section 8 – Consideration of the Impact of Licensed Activities.
- 11.9 Any person over 18, company or individual who has an interest in the premises may apply for a provisional statement. The statement when issued will indicate whether, if the premises were to be built in accordance with the submitted schedule of works, the Authority would consider it necessary for the promotion of the licensing objectives to attach conditions, rule out any of the licensable activities applied for, refuse to register the proposed designated premises supervisor, or reject the application. Any representations which could have been made at the provisional statement stage will be excluded from consideration should a subsequent application be made for a premises licence. Whilst provisional statements do not have a limited duration, the longer the delay between the issue of the provisional statement and the application for a premises licence the greater the potential for representations to be made to the latter application which cannot be excluded.

PREMISES LICENCES

- 11.10 A premises licence authorises the use of any premises for licensable activities and will normally be granted subject to conditions which are consistent with the submitted Operating Schedule. Guidance on what does and does not constitute a licensable activity can be found in appendix G. Such applications may be made either before, during or after the premises are constructed so long as the application is accompanied by an Operating Schedule. If it is not possible for the applicants to draft an operating schedule then the application should be for a provisional statement followed by an application for a premises licence at a later date.
- 11.11 The Guidance at paragraph 5.85 indicates that an application for a premises licence can be made before new premises are constructed, extended or changed. Such an application can be made where the applicant can properly prepare the operating schedule and in such circumstances the licence would not come into immediate effect but would include a date upon which it would have effect.
- 11.12 Applications for premises licences should be made by those individuals, companies, or partnerships who carry on the business which includes the use of the relevant premises for licensable activities. Such applications should be made on the prescribed form and should include an operating schedule.

POLICY 11.2

Operating schedules should contain the following information when required by the Licensing Regulations:

- **A description of the style and character of the business**
- **A description of the licensable activities to be carried on at the premises (including the nature and type of any entertainment or dancing being provided)**
- **The times during which the relevant licensable activities are to take place (including the times during each day of the week and any relevant seasonal or holiday periods)**
- **Any other times that the premises are to be open to the public**
- **If the licence is to be for a limited period, that period**
- **Where the licence includes the sale or supply of alcohol the name and address of the designated premises supervisor**
- **Where the licence includes the sale or supply of alcohol whether that will be for consumption on or off the premises or both**
- **Where alcohol is being sold for consumption on the premises the extent of seating available**
- **The steps the applicant proposes to take to promote the licensing objectives (Further guidance can be found in**

Section 8 - Consideration of the impact of licensed activities.)

REASON: To ensure the promotion of the licensing objectives and ensure that any conditions imposed on the licence are necessary and proportionate

- 11.13 The Applicant, Responsible Bodies, Interested Parties and Licensing Authority are expected to work together to ensure that the licensing objectives are promoted collectively. Discussion between the relevant parties is encouraged prior to the submission of an application.

DESIGNATED PREMISES SUPERVISORS

- 11.14 Where premises are licensed for the sale of alcohol the licence must specify who is to be the Designated Premises Supervisor (DPS). This person must hold a personal licence and will normally have responsibility for the day to day running of the premises. There can only be one DPS per premises. Exceptionally the police have the power to object to the appointment of a DPS where they believe that the appointment would undermine the Crime Prevention Objective.

VARIATIONS TO PREMISES LICENCES

- 11.15 Once a premises licence has been issued, the need or desire may arise to vary it. For the purposes of clarification, applications to vary a premises licence will be dealt with in accordance with the relevant sections of the Act as stated in Policy 11.3.

POLICY 11.3

- An application to change the name and/or address (where the change relates to a Designated Premises Supervisor) will be dealt with under Section 33 of the Act.
- An application to change the Designated Premises Supervisor of the premises will be dealt with under Section 37 (where there is a change of person).
- Variations consisting of substantial works and alterations to existing licensed premises will be dealt with either as an application for a provisional statement under Section 29 (where it is not possible to formulate the necessary changes to the operating schedule,) or as an application for a new premises licence under Section 17 (where it is possible to formulate the necessary changes). Examples of such works or alterations might include the addition of further licensed areas, structural alterations to the premises, or refurbishments.
- Other variations which will impact on the operating schedule and therefore the conditions attached to the

licence such as variations to hours, duration of licence, occupancy limits, licensed areas or activities, will be dealt with as new applications under Section 17 of the Act.

- Applications for a variation of licence which do not impact upon the operating schedule (and hence the licensing conditions) should be made under Section 34 of the Act.

REASON: To act in accordance with the Licensing Act 2003 and to ensure consistency

REVIEWS OF PREMISES LICENCES

- 11.16 At any stage following the grant of a premises licence a responsible authority or interested party may ask for a review of the licence where there is a specific concern in connection with a licensing objective arising from the particular premises.

POLICY 11.4

Parties requesting a review of a premises licence shall when making the request provide the Licensing authority with the full name and address of the premises concerned and evidence as to which of the licensing objectives are being undermined and how.

REASON: To ensure that requests are not frivolous or vexatious

- 11.17 Where a review hearing is held the Licensing Authority has a variety of courses of action that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence.

PERSONAL LICENCES

- 11.18 Where the licensed activities include the sale or supply of alcohol that sale or supply can only be authorised by the holder of a personal licence. Applicants may apply for such licences whether or not they are currently employed or have business interests associated with the use of the licence. The application must be made to the licensing authority for the area in which the applicant ordinarily resides. Once granted, that authority remains responsible for licensing the applicant even if they move to another area. An applicant may only hold one personal licence and such licences remain in force for a period of 10 years, (unless previously surrendered, revoked or forfeited,) and may be renewed at the end of that period.
- 11.19 Such licences must be granted where
- (1) the applicant is over 18,
 - (2) possesses a relevant licensing qualification or is of a prescribed description,
 - (3) has not had a personal licence forfeited in the 5 years prior to the application, and

(4) has not been convicted by a relevant offence or a foreign offence as prescribed by the regulations.

11.20 If any of items (1) to (3) above are not met the application must be refused. With regard to convictions however a licence will still be granted unless the Chief Officer of Police lodges an objection within the prescribed period that he is satisfied that the granting of the licence would undermine the licensing objectives. In such circumstances the application will be considered at a hearing of the Licensing Committee.

POLICY 11.5

All Applicants for personal licences (other than those exercising "Grandfather Rights" during the transitional period,) must produce a Criminal Records Bureau certificate to the Authority at the time of their application together with a clear statement as to whether they have been convicted of any relevant offence or an equivalent foreign offence.

REASON: To ensure that applications are considered in accordance with the law and in order to promote the Crime prevention objective.

POLICY 11.6

In determining initial and renewal applications for personal licences where the Chief Officer of Police has lodged an objection notice the Authority will take the following matters into consideration:

- the circumstances in which the offences were committed,
- the period that has elapsed since the offence(s) were committed
- Whether the offences reveal a pattern of offending or were a one off occurrence and
- any mitigating circumstances.

The Authority will reject the application unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so in order to promote the Crime Prevention Objective.

REASON: Prevention of crime is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.

- 11.21 Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Authority must notify the Chief Officer of Police. If an objection notice is lodged within the relevant period a hearing will be held to determine whether the licence should be revoked.

POLICY 11.7

Policy 11.6 will apply to revocation hearings as it does to application hearings.

REASON: Prevention of crime is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective especially where those convictions are recent.

CLUB PREMISES CERTIFICATES

- 11.22 Clubs are not required to employ personal licence holders nor appoint Designated Premises Supervisors. However in many respects consideration of these applications is similar to those for premises licences.

POLICY 11.8

Policies 11.1, 11.2 and 11.4 above shall also apply to Club Premises Certificates. Applications to vary club premises certificates shall be made under section 84 of the Act.

12.0 GENERAL ENFORCEMENT STATEMENT

- 12.1 All decisions and enforcement action taken by this Authority will have regard to the relevant provisions of the Act; the Guidance; the enforcement policy of the Authority and to the principles of the Enforcement Concordat.
- 12.2 It is the intention of the Authority to establish and maintain both risk based proactive and reactive enforcement protocols with the local police and other enforcement agencies. Protocols will provide for the proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding lighter touch for well run, lower risk premises in the area.

ENFORCEMENT AND COMPLAINTS

- 12.3 The Authority recognises the contribution that can be made by developing effective working practices with our partner agencies.

- 12.4 The Authority will establish enforcement protocols with the Nottinghamshire Police and other relevant partnership agencies.
- 12.5 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 12.6 The Authority may when appropriate use licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with Nottinghamshire Police in enforcing licensing legislation.
- 12.7 The Authority will continue to work with its partner agencies in enforcing the licensing laws and in the inspection of premises to ensure the licensing objectives and licence conditions are met. In particular the Authority will target its inspection process toward those premises that are considered as 'problematic' and 'high risk' premises requiring greater attention, while providing the 'lighter touch' in respect of low risk premises that are run well.

POLICY 12.1

In undertaking the inspection of licensed premises the Authority will adopt a risk assessment approach to enforcement through the following initial designations

- **public houses in all town centres - low to medium risk (dependent on history)**
- **all other existing sites, urban or rural within the borough - low risk (dependent on history)**
- **any site where the primary purpose is serving food, where the sale or supply of alcohol is ancillary - low risk (dependent on history)**
- **new sites not in (a) or (b) above - to be assessed dependent on location and style of operation or operators.**

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve good operating practice, promote partnership working and drive out inconsistencies and poor practices.

- 12.8 The Authority will investigate evidenced complaints against licensed premises of any description. In the first instance, complainants will be encouraged to seek informal local solutions by raising the complaint directly with the licensee or business concerned.

POLICY 12.2

All decisions and enforcement actions taken by the Authority will be in accordance with the Authority's Enforcement Policy and the principles of consistency, transparency and

proportionality set out in the Department of Trade and Industry's Enforcement Concordat.

REASON: The Authority has a duty both to the licensed trade and the public to uphold the licensing laws in a fair and equitable manner.

- 12.9 Where an interested party (such as a local resident, or a residents' association) has made a valid representation about licensed premises or a valid application for a licence to be reviewed, then the Authority will instigate negotiation arrangements if possible to address, clarify and try to resolve those issues of concern.

POLICY 12.3

The Authority will arrange instigate negotiation arrangements if possible in the event of valid representations being made on application, variation or review of a premises licence.

REASON: Section 18(3)(a) of the Act requires a hearing for relevant representations to be held unless the issues can be resolved to the satisfaction of all parties prior to the hearing.

- 12.10 This process will not override the right of any interested party to ask the Authority's Licensing Act Committee to consider their valid objections or for any licence holder to decline to participate in negotiation arrangements.

13.0 DELEGATION AND DECISION MAKING

- 13.1 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 13.2 The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State. (see Appendix B)
- 13.3 The Act itself creates a presumption that applications will be granted unless a representation is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where representations are made then the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a satisfactory resolution is possible to overcome the objections without the need for the matter to go before the Committee or Licensing Panel. Only where objections are raised which cannot be settled will matters be referred through to either the Licensing Panel or the Licensing Act Committee for determination.
- 13.4 Whilst contested licensing applications are quasi judicial in nature the Committee/Licensing Panel will try to keep the proceedings as informal as possible.

However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedure set out at Appendix C is designed to ensure that all parties are able to express their views openly and fairly. The Committee/Licensing Panel procedure is inquisitorial rather than adversarial and, whilst applicants, interested parties, and responsible authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement.

- 13.5 Whilst the Committee/Licensing Panel usually meets in public, it does have power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is ordinarily made at the end of the Hearing.
- 13.6 The Committee/Licensing Panel will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document and the Guidance.

14.0 MONITORING AND REVIEW

- 14.1 The police, fire authority and other consultees will be encouraged to report to the Authority annually on the operation of the licensing function.
- 14.2 The Head of Planning and Environment will report annually to the Licensing Committee. Reports may include: -
- statistics of the several forms of licences
 - a breakdown of the number of licences determined by committee and under delegated powers
 - a breakdown of the outcome of any appeals
 - a breakdown of licences by reference to their terminal hour
 - an outline of enforcement activity undertaken
 - the outcome of any prosecutions
 - details of any premises closed temporarily
 - proposals to amend the licensing policy in the light of experience
 - proposals to amend licensing practice in the light of experience
 - any comments of the Licensing Forum

POLICY 14.1

The Authority will gather and maintain all specific area-based information relevant to licensing, including crime and disorder surveys, enforcement inspection information and complaints received to serve as the basis for developing monitoring criteria to review the impact of the policy. In addition, the Authority will continue to monitor protocols established as part of the information sharing with responsible authorities.

REASON: The Authority recognises the importance of monitoring the performance of the Licensing Policy Statement and its associated protocols in order to maintain their overall effectiveness.

POLICY 14.2

The Authority will undertake a full review of the policy every three years and in that time keep the policy under review and make such revisions to it as is considered appropriate. The review will take into account any related initiatives at central, regional and local government level. Once the review has been completed the policy will go out to consultation before final adoption by the Authority.

REASON: The Authority recognises the importance of reviewing the the Licensing Policy Statement and its associated protocols in order to maintain their overall effectiveness.

LIST OF EXEMPTIONS FROM THE PROVISIONS OF THE ACT TAKEN FROM ANNEX A TO THE GUIDANCE

Film exhibitions for the purposes of advertisement, information, education, etc.

- 5 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to —
- (a) demonstrate any product,
 - (b) advertise any goods or services, or
 - (c) provide information, education or instruction.

Film exhibitions: museums and art galleries

- 6 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

Music incidental to certain other activities

- 7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself —
- (a) a description of entertainment falling within paragraph 2, or
 - (b) the provision of entertainment facilities.

Use of television or radio receivers

- 7 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

Religious services, places of worship etc.

- 9 The provision of any entertainment or entertainment facilities —
- (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
 - (b) at a place of public religious worship,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Garden fêtes, etc.

- 10 (1) The provision of any entertainment or entertainment facilities at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) But sub-paragraph (1) does not apply if the fête, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- (3) In sub-paragraph (2) “private gain”, in relation to the proceeds of a fête, function or event, is to be construed in accordance with section 22 of the Lotteries and Amusements Act 1976 (c. 32).

Morris dancing etc.

- 11 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of —
- (a) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or
- (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

Vehicles in motion

- 12 The provision of any entertainment or entertainment facilities —
- (a) on premises consisting of or forming part of a vehicle, and
- (b) at a time when the vehicle is not permanently or temporarily parked,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

TABLE OF DELEGATED FUNCTIONS

The Authority intends, in the majority of cases, to follow the table of delegated functions. However, in particular circumstances, where it seems appropriate to the Authority, any particular matter may be dealt with otherwise than is indicated in the table, having due regard to statutory requirements.

Matter to be dealt with	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
Application for personal licence		If a police objection	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases

APPENDIX B (CONT)

Matter to be dealt with	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

LICENSING PANEL & COMMITTEE HEARING PROCEDURE

- 1 Upon notification that a matter is to be put before a Licensing Panel or the Committee, the applicant, interested parties and the responsible authorities shall within the time period provided for in the relevant regulations give notice to the Licensing Office stating:
 - i. Whether they intend to be represented at the hearing
 - ii. The names and addresses of any witnesses that they intend to call
 - iii. The time estimate for their presentation/representations to the Committee.
 - iv. Whether they consider a hearing to be unnecessary.

- 2 Where a large number of interested parties are involved they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence in so far as is possible.

- 3 Any one invited to attend before a Panel or the Committee may bring legal or other professional representatives with them if they so wish. Advocates are, however, reminded that these are civil proceedings and inquisitorial rather than adversarial in nature. Aggressive advocacy is not encouraged and will not be tolerated.

- 4 Copies of the application and representations made by the parties will have been circulated to members prior to the hearing. However in appropriate cases, where a matter is to proceed to a hearing the applicant will be expected to supply a further 6 copies of the plan accompanying the application for use at the hearing. The hearing will concentrate solely on those areas of the application which are in dispute. The Authority is under an obligation to disregard information which is not relevant to the application, representation, or notice or to the licensing objectives. Advocates are therefore asked to be as succinct as possible and should be aware that the Chair may impose a time limit within which parties are to present their case.

- 5 Whilst additional material in support of the application, representation or notice may be taken into account by the Authority, such material should be provided and circulated by the producer to all parties concerned (including the Authority) as soon as possible before the hearing. Material produced at the hearing can only be admitted with the consent of all the other parties. The late production of material may lead to a hearing having to be adjourned and is discouraged. Additional material which reveals a new ground of representation or which is not relevant to the application, representation or notice lodged will be disregarded.

- 6 Any party who intends to put additional written material before the Panel or the Committee should provide 18 copies of that material to the Licensing Office if the application is to go to the full Committee and 6 copies if the matter is to go before the Panel. Applicants should note that changes to application plans during the application process should be notified to the Licensing Office as soon as possible and are likely to result in a new application having to be submitted. All relevant documentation received by the Authority will be sent to Members of the Panel/Committee and interested parties before the hearing if at all possible. Any failure to adhere to the requirements listed above may result in a case having to be adjourned and therefore delay the decision.
- 7 Where a party does not attend the hearing and is not represented the Authority may either adjourn the hearing if it is in the public interest to do so, or may continue with the hearing in the party's absence. If the latter option is followed the Committee/Panel will still consider any application, representation, or notice submitted by the absent party in so far as it is relevant.
- 8 The following procedure will ordinarily be followed at the Panel/Committee hearing:
- i) The Chair will introduce themselves, other members and relevant officers. The Chair will also ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses they wish to call. The Chair will then outline the procedure to be followed by the Panel/Committee and any time limits to be imposed on the presentation of cases.
 - ii) The applicant will be asked to present their case. Where a general presentation is made interested parties and the responsible authorities may ask questions at the end of that presentation. However, where witnesses are called, it is expected that each witness will give their evidence and then be open for questioning once their evidence has finished. The next witness will then give evidence. The order for asking questions will be:
 - Responsible Authorities
 - Interested parties
 - Panel/Committee Members
 - Legal advisor to the Panel/Committee (where appropriate)
 - iii) Responsible authorities, and interested parties will then be given an opportunity to present their representations. Once the representation has been presented and any evidence given, there will be an opportunity for questions to be asked firstly, by the applicant and then by other responsible authorities and interested parties, members and the legal advisor to the Panel/Committee. Where there is more than one body making representations to an application the order for the hearing of representations will normally be the responsible authorities followed by interested parties.
 - iv) Once all the evidence has been given responsible authorities, and interested parties will be given an opportunity to sum up their representations in the same

order as they presented their case. The applicant will then be given an opportunity to sum up their case and have the final word.

- v) Whilst Hearings will normally be conducted in Public the Panel/Committee does have powers of exclusion (which cover the public, the press, and even applicants, parties and their representatives) in appropriate circumstances. The Panel/Committee will however always discuss and make its decision on the application in private.
- vi) The decision will normally be announced in public and transmitted in writing in accordance with the relevant rules and guidance. The decision may however be notified where applicable to the parties in writing at a subsequent date following the conclusion of the hearing.

9 If all parties agree and the Authority considers it appropriate, a hearing may be dispensed with. In some circumstances (where representations are not withdrawn), the Panel/Committee may still have to determine the application but will do so having considered the papers previously submitted. In such circumstances the Authority would also consider the terms of any “consent order” drawn up by the parties indicating terms upon which all of the relevant parties would be content that the application be granted.

10 Adjournments

- i) Due to the time constraints upon the Panels/Committee, applications for adjournments will only be granted where absolutely necessary.
- ii) Once a hearing date has been set it is for the parties to ensure that they attend or are represented. Hearings may proceed in the absence of a party and in such circumstances the party’s original representations will be taken into account together with any further material in support of that representation which has been served on all parties before the day of the hearing.
- iii) If it is not possible for a party or their witness to attend a hearing the Authority’s preference would be for their representation to proceed by way of written evidence.
- iv) If it is necessary to make an application for an adjournment the party seeking the adjournment should seek the consent of all other parties to the application and notify the Licensing Office as soon as possible that an adjournment may be sought. If all parties agree the matter may be adjourned administratively.
- v) If not agreed administratively the matter will remain listed before the Panel/Committee to hear the application and determine whether to agree the adjournment or proceed.
- vi) The Authority may adjourn proceedings of its own motion where it considers it necessary for its consideration of any application, representations or notice made or where it considers it to be in the interests of natural justice.
- vii) Where an adjournment is granted all parties will be given notice of the adjournment and the new hearing date.

11 Applications to Extend Time Limits

- i) These may be dealt with administratively but will only be granted where it is necessary in the public interest.
- ii) Applications should be made to the Licensing Officer identifying:-
 - i. the licensing application and premises concerned,
 - ii. the person making the application for the time limit to be extended,
 - iii. the time limit concerned,
 - iv. the reasons why that time limit cannot be complied with,
 - v. the extension sought,
 - vi. why it is believed that it would be in the interests of justice to grant the application, and
 - vii. whether all other parties have agreed to an extension of time.
- iii) Where an extension is granted all parties will be given notice of the extension.

POLICY STATEMENTS

All of the Authority's policies for licensing under the Act are listed in this appendix for ease of reference.

POLICY 7.1

The Authority will have regard to the likely impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

REASON: Under the Crime and Disorder Act 1998 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.

POLICY 7.2

Generally, the Authority will not entertain an application for a new licence or variation of conditions unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning permission, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered where the planning status of the premises has not been finalised.

REASON: To secure an appropriate integration of statutory functions.

POLICY 7.3

The Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights when determining applications.

- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- Article 6 - that in the determination of civil rights and obligations everyone is entitled to a fair and public

hearing within a reasonable time by an independent and impartial tribunal established by law.

- Article 8 - that everyone has the right to respect for his home and private life.

REASON: The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right.

POLICY 8.1

When preparing or considering applications, applicants, interested parties, relevant bodies and the Licensing Authority should, where appropriate, take into account the following matters in assessing both the potential for the licensing objectives to be undermined and the necessity for, and proportionality of, any conditions which may be imposed on any resulting licence, certificate or permission:-

- (a) The nature of the area within which the premises are situated
- (b) The precise nature, type and frequency of the proposed activities
- (c) Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives (including the proposed hours of operation) and to suggest conditions to be attached to the licence to achieve their intended operation
- (d) The nature (principally in terms of the age and orderliness,) and number of any customers likely to attend the licensed premises
- (e) Means of access to and exit from the premises
- (f) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises
- (g) Parking provision in the area
- (h) The potential cumulative impact (see below)
- (i) Other means and resources available to mitigate any impact.
- (j) Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

POLICY 8.2

In addressing Policy 8.1 above the Authority will expect applicants to address the following issues, where relevant, in their Operating Policy Schedule

- (a) Measures aimed at minimising or preventing Crime and Disorder both on and in the vicinity of the premises
- (b) Measures aimed at ensuring public safety
- (c) Measures aimed at the protection of children from harm
- (d) Measures aimed at minimising or preventing public nuisance. In particular the Authority will expect the operating schedule to demonstrate how it is intended that the premises will be "good neighbours" both to residents and other neighbouring venues and businesses . The Authority also expects the applicant to propose practical and achievable steps to prevent disturbance to local residents

REASON: To ensure that the licensing objectives are not undermined and to aid consideration of the application.

POLICY 8.3

Policies 8.4 to 8.8, contained in this section, only apply to applications for

- New premises licences,
- New club premises certificates
- Provisional statements
- Material variations to existing premises licences/Club Registration Certificates (i.e. where the modifications are directly relevant to the issue of cumulative impact, e.g. those which significantly increase the capacity of the premises)

REASON: To ensure that the policies are applied proportionately and only to those applications which have the potential to undermine the licensing objectives in specific areas.

POLICY 8.4

Where the Authority is satisfied:

- (i) that there is concern, primarily about crime, disorder, and/or public nuisance arising and caused by the customers of licensed premises in a specific area, or

- (ii) that the risk factors are such that the concern mentioned in (i) above is imminent,

it may resolve that the area be designated a Saturation Zone and policies 8.5 and 8.8 below shall apply to that area

REASON: To ensure that the policies are applied proportionately.

POLICY 8.5

In cases where responsible authorities or interested parties seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact which would undermine one or more of the licensing objectives they shall:

- (a) Identify the licensing objective(s) which it is alleged will be undermined and
- (b) Provide evidence with specific regard to the matters listed in Policy 8.1 above and 8.6 below to show how those objectives may be undermined
- (c) If the representation relates to an existing Saturation Zone, identify that area or
- (d) If the representation relates to an area not previously designated as a Saturation Zone
 - (i) Identify the boundaries of the area from which it is alleged problems are arising
 - (ii) Provide full details and evidence as to the extent and seriousness of the licensing objective being at risk or being undermined in the area
 - (iii) Provide evidence to show that the undermining of that objective is caused by the patrons of licensed premises in the area

REASON: To ensure that representations are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

POLICY 8.6

In considering applications and representations under this part the Authority will in addition to the matters listed in policy 8.1 above have particular regard to:

- (a) The proximity of the application premises to others in the area concerned that are licensed or subject to a provisional statement for similar activities.

- (b) The occupancy figure of existing licensed premises, or premises subject to a provisional statement, in the area concerned.
- (c) The operational hours of existing licensed premises, or premises subject to a provisional statement, in the area concerned.
- (d) The nature of licensed activities in the area.
- (e) Whether the proposed premises will act as a direct replacement for others no longer licensed in the area.
- (f) If the grant of the application would result in or further contribute to a cumulative impact, whether conditions would be effective in preventing the problems involved.

REASON: To ensure that regard is had to all relevant considerations relating to the area.

POLICY 8.7

Applications of the type listed in policy 8.3 above will be refused (or in the case of provisional statements an indication will be given that the subsequent application for a Premises licence would be refused,) in Saturation Zones except where:

- (a) No representations are received on the application from relevant bodies or interested parties, or,
- (b) The applicant is able to satisfy the Authority through the operating schedule and for supporting evidence that, taking into account the matters listed in Policies 8.1 and 8.6 above,
 - (i) it has taken such steps as are reasonable, achievable and sustainable to prevent or minimise the problems experienced in the area , and
 - (ii) the relevant licensing objectives will not be undermined.

REASON: To ensure that applicants have taken appropriate steps to minimise the impact of their premises on the area and to ensure that only those applications which will not significantly add to the problems of cumulative impact are granted.

POLICY 8.8

Where representation is made that the identified problems that led to the designation of a Saturation Zone have been mitigated or no longer apply, the Authority will reconsider the

designation and may remove such status where it considers there is evidence for doing so.

REASON: To ensure that these restrictive policies are applied only where necessary.

POLICY 9.1

Where relevant representations are received the Authority will impose conditions restricting the access of children to premises where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and restriction of access may not ensure adequate protection of children from harm, applications will be refused.

REASON: The Authority considers that harm may be moral and psychological as well as physical.

POLICY 9.2

Where premises are used for film exhibitions, the Authority will fix conditions restricting access to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

REASON: The content of certain films exposes children to both moral and psychological harm.

POLICY 9.3

Where large numbers of children are likely to be present on licensed premises, for example a children's show or pantomime, the Authority will normally attach a condition requiring an adequate ratio of adults to children in order to ensure the prevention of harm to the children and to ensure public safety. Normally this will be supervision by appropriately qualified, fit and proper persons.

REASON: The presence of large numbers of unsupervised children will require adequate steps to be in place to ensure they are protected from physical harm and to ensure public safety

POLICY 9.4

When deciding whether to limit the access of children to premises, the Authority will judge each application on its own merits.

Where concerns have been identified in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- Limitations on the hours when children may be present
- Age limitations for persons under 18
- Limitations or exclusion when certain activities are taking place
- Full exclusion of persons under 18 when certain licensable activities are taking place
- Limitations of access to certain parts of the premises for persons under 18
- A requirement for an accompanying adult to be present

REASON: It is not possible to anticipate every issue of concern that could arise with regard to individual premises when deciding to limit the access of children to premises.

POLICY 10.1

Where venues are likely to be affected by drug misuse the Authority will expect licensees to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to minimise danger to their customers as a result of drug misuse. Licensees will be expected to work with the Authority, Police and the Drug Action Team (DAT) to develop a drug policy for their venue combating drug dealing and use and ensuring the safety of their venue.

In particular the Authority will expect licensees to follow the guidance and implement the recommendations contained in the "Safer Clubbing Guide" produced by the Home Office, Department of Health and the DCMS. The Guide can be viewed in full on www.drugs.gov.uk

Where appropriate the Authority will impose licensing conditions aimed at ensuring as safe an environment as possible at the premises.

REASON: To promote the crime prevention objective and ensure public safety by addressing the dangers caused by drug misuse, mixture with alcohol, overheating and other related factors.

POLICY 11.1

Any form of application required to be advertised under the Licensing Legislation shall be advertised in line with the Licensing Regulations.

REASON: To ensure that the legislation has been complied with and that the application is valid.

POLICY 11.2

Operating schedules should contain the following information:

- A description of the style and character of the business
- A description of the licensable activities to be carried on at the premises (including the nature and type of any entertainment or dancing being provided)
- The times during which the relevant licensable activities are to take place (including the times during each day of the week and any relevant seasonal or holiday periods)
- Any other times that the premises are to be open to the public
- If the licence is to be for a limited period, that period
- Where the licence includes the sale or supply of alcohol the name and address of the designated premises supervisor
- Where the licence includes the sale or supply of alcohol whether that will be for consumption on or off the premises or both
- Where alcohol is being sold for consumption on the premises the extent of seating available
- The steps the applicant proposes to take to promote the licensing objectives (Further guidance can be found in Section 8 - Consideration of the impact of licensed activities.)

REASON: To ensure the promotion of the licensing objectives and ensure that any conditions imposed on the licence are necessary and proportionate

POLICY 11.3

- An application to change the name and/or address (where the change relates to a Designated Premises Supervisor) will be dealt with under Section 33 of the Act.

- An application to change the Designated Premises Supervisor of the premises will be dealt with under Section 37 (where there is a change of person).
- Variations consisting of substantial works and alterations to existing licensed premises will be dealt with either as an application for a provisional statement under Section 29 (where it is not possible to formulate the necessary changes to the operating schedule,) or as an application for a new premises licence under Section 17 (where it is possible to formulate the necessary changes). Examples of such works or alterations might include the addition of further licensed areas, structural alterations to the premises, or refurbishments.
- Other variations which will impact on the operating schedule and therefore the conditions attached to the licence such as variations to hours, duration of licence, occupancy limits, licensed areas or activities, will be dealt with as new applications under Section 17 of the Act.
- Applications for a variation of licence which do not impact upon the operating schedule (and hence the licensing conditions) should be made under Section 34 of the Act.

REASON: To act in accordance with the Licensing Act 2003 and to ensure consistency

POLICY 11.4

Parties requesting a review of a premises licence shall when making the request provide the Licensing authority with the full name and address of the premises concerned and evidence as to which of the licensing objectives are being undermined and how.

REASON: To ensure that requests are not frivolous or vexatious

POLICY 11.5

All Applicants for personal licences (other than those exercising "Grandfather Rights" during the transitional period,) must produce a Criminal Records Bureau certificate to the Authority at the time of their application together with a clear statement as to whether they have been convicted of any relevant offence or an equivalent foreign offence.

REASON: To ensure that applications are considered in accordance with the law and in order to promote the Crime prevention objective.

POLICY 11.6

In determining initial and renewal applications for personal licences where the Chief Officer of Police has lodged an objection notice the Authority will take the following matters into consideration:

- the circumstances in which the offences were committed,
- the period that has elapsed since the offence(s) were committed
- Whether the offences reveal a pattern of offending or were a one off occurrence and
- any mitigating circumstances.

The Authority will reject the application unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so in order to promote the Crime Prevention Objective.

REASON: Prevention of crime is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.

POLICY 11.7

Policy 11.6 will apply to revocation hearings as it does to application hearings.

REASON: Prevention of crime is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective especially where those convictions are recent.

POLICY 11.8

Policies 11.1, 11.2 and 11.4 above shall also apply to Club Premises Certificates. Applications to vary club premises certificates shall be made under section 84 of the Act.

POLICY 12.1

In undertaking the inspection of licensed premises the Authority will adopt a risk assessment approach to enforcement through the following initial designations

- public houses in all town centres - low to medium risk (dependent on history)
- all other existing sites, urban or rural within the borough - low risk (dependent on history)
- any site where the primary purpose is serving food, where the sale or supply of alcohol is ancillary - low risk (dependent on history)
- new sites not in (a) or (b) above - to be assessed dependent on location and style of operation or operators.

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve good operating practice, promote partnership working and drive out inconsistencies and poor practices.

POLICY 12.2

All decisions and enforcement actions taken by the Authority will be in accordance with the Authority's Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat.

REASON: The Authority has a duty both to the licensed trade and the public to uphold the licensing laws in a fair and equitable manner.

POLICY 12.3

The Authority will arrange instigate negotiation arrangements if possible in the event of valid representations being made on application, variation or review of a premises licence.

REASON: Section 18(3) (a) of the Act requires a hearing for relevant representations to be held unless the issues can be resolved to the satisfaction of all parties prior to the hearing.

POLICY 14.1

The Authority will gather and maintain all specific area-based information relevant to licensing, including crime and disorder surveys, enforcement inspection information and complaints received to serve as the basis for developing monitoring criteria to review the impact of the policy. In addition, the Council will continue to monitor protocols established as part of the information sharing with responsible authorities.

REASON: The Authority recognises the importance of monitoring the performance of the Licensing Policy statement and its associated protocols in order to maintain their overall effectiveness.

POLICY 14.2

The Authority will undertake a full review of the policy every three years and in that time keep the policy under review and make such revisions to it as is considered appropriate. The review will take into account any related initiatives at central, regional and local government level. Once the review has been completed the policy will go out to consultation before final adoption by the Authority.

REASON: The Authority recognises the importance of reviewing the the Licensing Policy statement and its associated protocols in order to maintain their overall effectiveness.

POOL OF MODEL CONDITIONS ISSUED BY THE SECRETARY OF STATE

Section One – Conditions Relating To The Prevention Of Crime And Disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- *to sell or supply alcohol to a person who is drunk*
- *to knowingly allow disorderly conduct on licensed premises*
- *for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported.*
- *to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.*

Conditions enforcing these arrangements are therefore unnecessary.

1.1 General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

- Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors 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. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.
- Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.
- Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.
- Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

1.2 Text pagers

Text pagers connecting premises licence holders, designated premises supervisors, managers of premises clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential troublemakers or individuals suspected of criminal behaviour who are about in a particular area.

Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

1.3 Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety (see Section Two).

1.4 Bottle bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, responsible authorities and licensing authorities should note that many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues therefore need to be carefully balanced.

1.5 Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form, can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries.

Location and style of the venue and the activities carried on there would be particularly important in accessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety (see Section Two).

1.6 CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises.

Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

1.7 Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere.

Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

1.8 Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

1.9 Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence.

Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

1.10 Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them.

To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

1.11 Crime prevention notices

It may be necessary at some premises for notices to be displayed, which warn customers of the prevalence of crime that may target them.

Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed that advise customers not to leave bags unattended because of concerns about terrorism.

Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

1.12 Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates that promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law.

Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

1.13 Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Section Two – Conditions Relating To Public Safety (Including Fire Safety)

It should be noted that conditions relating to public safety should be those that are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

Conditions enforcing those requirements would therefore be unnecessary.

2.1 General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Section 3. It should also be recognised that special issues may arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors 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.

Necessary conditions for the licence on certificate will also depend on local knowledge of the premises. In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)

- 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 through www.streetartsnetwork.org/pages/publications

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

2.2 Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

2.3 Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exits doors are easily openable without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open;
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

2.4 Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a Logbook.

2.5 Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- Temporary decorations are not used without the consent of the licensing authority.

2.6 Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

2.7 Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

2.8 Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

2.9 Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

2.10 Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

2.11 First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.

- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

2.12 Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not to be altered without the consent of the licensing authority.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

2.13 Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

2.14 Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The premises are effectively ventilated.
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- Ventilation ductings are kept clean.
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

2.15 Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing

Section Three – Theatres and Cinemas (Promotion of Public Safety)

In addition to the points made in Section Two, there are particular matters in the context of public safety and fire safety that should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points that follow are for consideration and do not represent a mandatory list.

Premises used for Closely Seated Audiences

3.1 Attendants

The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 - 100	One
101 – 250	Two
251 - 500	Three
501 - 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform)

The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

No article shall be attached to the back of any seat that would reduce the clear width of seatways or cause a tripping hazard or obstruction.

A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

3.2 Standing and Sitting in Gangways etc

Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

In no circumstances shall anyone be permitted to-

- (i) sit in any gangway

- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

3.3 Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

3.4 Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

3.5 Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the licensing authority.

3.6 Scenery

Any scenery should be maintained flame-retardant.

3.7 Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

3.8 Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

3.9 Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

3.10 Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 - 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

3.11 Attendants – with a staff alerting system

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501 Or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500

Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

3.12 Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

3.13 Flammable films

No flammable films should be allowed on the premises without the consent of the licensing authority.

Section Four – Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

4.1 General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors 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.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

4.2 Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder that results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

4.3 Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature that could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

4.4 Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

4.5 Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Section Five – Conditions Relating To The Protection Of Children From Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

5.1 Access for children to licensed premises - general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.
- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those

schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.
- In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

5.2 Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place licensing authorities following relevant representations are made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.

Licensing authorities are expected to consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example:
 - Family entertainment; or
 - Non-alcohol events for young age groups such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
 - During "Happy Hours" or on drinks promotion nights;
 - During activities outlined in paragraph 1 above.

5.3 Age Restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U Universal – suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five

seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

- A condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person’s parents or legal guardian has first been obtained.”

5.4 Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached.

However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary.

Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licences which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Section 3).

5.5 Performances especially for children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

5.6 Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should

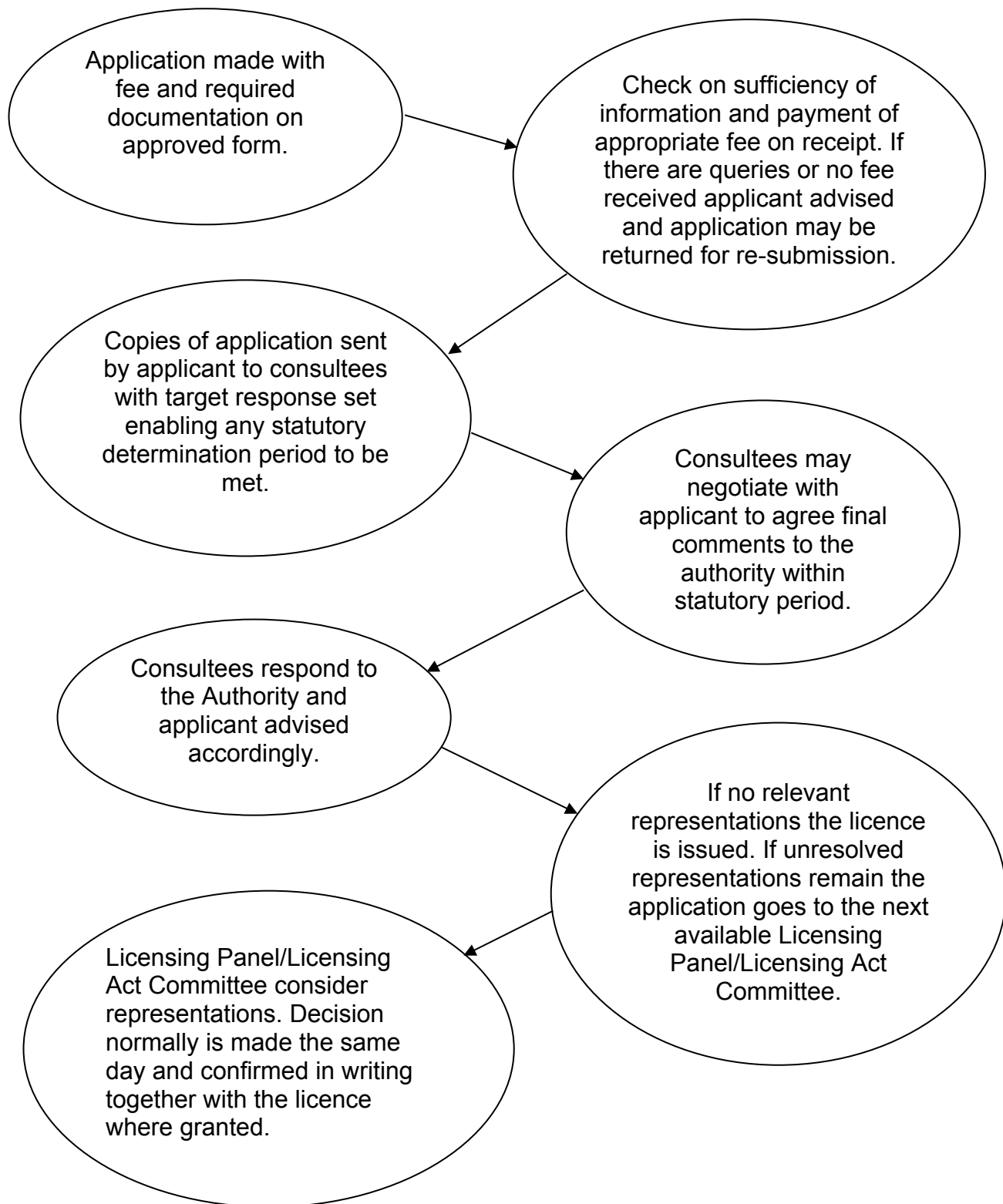
familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements.

However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below :

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

CONSULTATION PROCESS

Below is the process diagram outlining the stages through which an application for a licence will pass where it is made under the Licensing Act 2003 to Gedling Borough Council.



DEFINITIONS**The Licensing Act 2003 defines the following as Licensable Activities:**

- The sale by retail of alcohol;
- The supply of alcohol by clubs;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Qualifying club activities are:

- The supply of alcohol by clubs to members for consumption on or off the premises;
- The sale by retail of alcohol by clubs to members' guests for consumption on the premises; and
- The provision of regulated entertainment by the club for its members and guests.

Forms of Regulated Entertainment are:

- Plays - both performance and rehearsal;
- The showing of films (or any exhibition of moving pictures);
- All indoor sporting events. For the purposes of the Act, an indoor sporting event is one which takes place inside a building for spectators wholly inside that building. A sporting event that takes place at a venue whose roof can be opened or closed would not constitute an indoor event, even when the roof is closed. For the purposes of this Act, sport is defined as any contest in which physical skill is the main factor and any form of physical recreation engaged in for the purposes of competition or display. For example, tennis would be covered by the definition. However, a game of chess contested publicly would not;
- Outdoor boxing and wrestling matches. No other form of outdoor sport would be regulated by the Act;
- Music: both the performance of live music and the playing of recorded music. No distinction is made in the Act between different musical styles; and
- Performance of dance:

where the entertainment takes place in the presence of an audience and is provided for their entertainment.

GLOSSARY

The interpretation of terms used in this Policy is as given in Sections 190 - 194 Licensing Act 2003. Where terms are not explained in the Act the following is guidance to the general meaning that is applied and is used in this policy document.

Authorised person: an officer appointed for the purpose of the Act and includes an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 and section 18 of the Fire Precautions Act 1971.

Commercial demand is used in the policy to distinguish the identified business-led demand for new businesses in an area (the issue of 'need') from that of 'cumulative impact'. 'Commercial demand' cannot be taken into consideration when determining applications under the Act.

Committee and Panel mean the Licensing Committee and Licensing Panel of the Authority respectively.

Conditions mean controls or restrictions applied to licences and which seek to control licensed activities, the management and the operation of such to ensure that the Licensing Objectives are met.

Designated Premises Supervisor in relation to a premises licence means the individual for the time being specified in the Premises Licence as the Premises Supervisor.

Interested party means any of:

- A person living in the vicinity of the premises,
- A body representing persons who live in that vicinity,
- A person involved in a business in that vicinity,
- A body representing persons involved in such businesses.

Policy and Statement of Licensing Policy means this policy document - "The Gedling Borough Council Licensing Policy".

Premises includes land in the open air such as might be used for Temporary Events.

Other guidance means guidance issued by the Secretary of State under Section 182 of the Act, or approved or recognised by the Government as being approved for the purposes of the Act.

Order means an Order issued by the Secretary of State under section 197 of the Act.

Responsible Authority those persons or bodies listed in para. 11.2 of this Policy Statement.

The Act means the Licensing Act 2003.

The Regulations means regulations issued by the Secretary of State under Section 197 of the Act.

Supply of alcohol means the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club, to or to the order of, a member of the club,

**CONTACTS –
RESPONSIBLE AUTHORITIES**

APPENDIX I

Licensing Authority Address

Licensing Section
Planning and Environment Department
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU
Telephone: (0115) 9013895 or 9013804
Fax: (0115) 9013843
Email: licensing@gedling.gov.uk

Food/Health & Safety/Licensing Manager
Stephen Nickolls tel. (0115) 9013827
Fax: (0115) 9013843
Email: stephen.nickolls@gedling.gov.uk

Licensing Section
Licensing Officers: Glynis Palfreyman and
Rachel Pentlow Tel. (0115) 9013895
Fax: (0115) 9013843
Email: licensing@gedling.gov.uk

Food/Health & Safety
Planning and Environment Department
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU
Telephone: (0115) 9013838
Fax: (0115) 9013843
Email: EnvironmentalHealth@gedling.gov.uk

Environmental Protection (Noise Pollution etc)
Planning and Environment Department
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU
Telephone: (0115) 9013832
Fax: (0115) 9013843
Email: EnvironmentaHealth@gedling.gov.uk

The Local Planning Authority
Planning and Environment Department
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU
Telephone: (0115) 9013720
Fax: (0115) 9013843
Email: developmentcontrol@gedling.gov.uk

The Chief Constable of Nottinghamshire

Nottinghamshire Police Headquarters
Administration of Justice
Sherwood Lodge
Arnold
Nottingham
NG5 8PP
Tel: (0115) 9670999

The Nottinghamshire Fire Service

Nottinghamshire Fire and Rescue Service
Bestwood Lodge
Arnold
Nottingham
NG5 8PD
Tel: (0115) 9670880

The Health and Safety Executive

For non-commercial operations and public bodies e.g. council owned premises:

55 Upper Parliament Street
Nottingham
NG1 6AU
Tel: (0115) 9712800

Nottinghamshire Social Services

The Assistant Director
Childrens Commissioning
Social Services
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP
Tel: (0115) 9823823

For Vessels

The Maritime and Coastguard Agency
Eastern Region
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: (01482) 866606

The Environment Agency
Trentside Offices
West Bridgford
Nottingham
NG2 5FA
Tel: (0115) 9455722

The British Waterways Board
The Kiln
Mather Road
Newark
Notts
NG24 1FB
Tel: (01636) 704481

Magistrates' Courts

For alcohol licensing during the transition period and appeals against licensing decisions

Clerk to the Justices
The Courthouse
Carrington Street
Nottingham
NG2 1EE
Tel: (0115) 9558111

Clerk to the Justices
Mansfield Magistrates' Court
Rosemary Street
Mansfield
Notts
NG19 6EE
Tel: (01623) 451500

Other Nottinghamshire Local Authorities

Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Notts
NG17 8DA
Tel: (01623) 450000

Rushcliffe Borough Council
Civic Centre
Pavilion Road
West Bridgford
Nottingham
NG2 5FE
Tel: (0115) 9819911

Bassetlaw District Council
Queens Buildings
Potter Street
Worksop
Notts
S80 2AH
Tel: (01909) 533533

Broxtowe Borough Council
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB
Tel: (0115) 9177777

Mansfield District Council
Civic Centre
Chesterfield Road South
Mansfield
Notts
NG19 7BH
Tel: (01623) 463463

Newark and Sherwood District Council
Kelham Hall
Newark
Nottingham
NG23 5QX
Tel: (01636) 650000

Nottingham City Council
Lawrence House
Talbot Street
Nottingham
NG1 5NT
Tel: (0115) 9155555

