

To Members of the Licensing & Regulatory Committee

Cllr. Nick Chapman (Chairman)
Cllr. Janet Forey (Vice-Chairman)

Cllr. Shabbir Aslam
Cllr. Royston Bayliss
Cllr. Stuart Coar
Cllr. Susan Findlay

Cllr. Helen Gambardella
Cllr. Paul Hartshorn
Cllr. Becca Lunn
Cllr. Roger Stead

Cllr. Matt Tomeo
Cllr. Bev Welsh
Cllr. Jane Wolfe

Dear Councillor,

A meeting of the **LICENSING & REGULATORY COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 15 JUNE 2023** at **5.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Louisa Horton
Monitoring Officer

AGENDA

1. Apologies for Absence

2. Disclosures of Interests from Members

To receive disclosures of interests from Members (i.e. the existence and the nature of those interests in respect of items on this agenda).

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the meeting held on 15th February 2023 (enclosed).

4. Licensing Act 2003 Statement of Licensing Policy (Pages 7 - 34)

To consider the report of the Environmental Health Manager (enclosed).

LICENSING & REGULATORY COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

WEDNESDAY, 15 FEBRUARY 2023

Present:-

Cllr. Chris Frost	Cllr. Trevor Matthews	Cllr. Bev Welsh
Cllr. Roy Denney	Cllr. Christine Merrill	Cllr. Cheryl Cashmore
Cllr. Janet Forey	Cllr. Phil Moitt	
Cllr. Deanne Freer	Cllr. Michael O'Hare	

Officers present:-

Phil Fasham	- Environmental Health Manager
Matt Pickering	- Licensing Team Leader
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Isaac Thomas	- Democracy Support Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

Apologies:-

Cllr. Stuart Coar, Cllr. Shabbir Aslam and Cllr. Lee Breckon JP

192. DISCLOSURES OF INTERESTS FROM MEMBERS

No disclosures were received.

193. MINUTES

The minutes of the meeting held on 28 February 2022, as circulated, were approved and signed as a correct record.

194. THIRD-PARTY DBS PROVIDER REQUIRED

Considered – Report of the Licensing Team Leader.

DECISIONS

1. That the Licensing department identify and procure a third-party DBS provider to conduct DBS checks on behalf of new and existing applicants.
2. That the third-party DBS provider shall begin to undertake checks as soon as reasonably practicable.
3. That authority be delegated to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to update the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and other subsequent Policies or Conditions of Licence to reflect this change.

Reason:

It is appropriate that members of the Licensing and Regulatory Committee understand that it is necessary to procure a third-party DBS provider as soon as practicable, whilst recognising that there are many additional benefits that can be had by doing so for both the Licensing department, Council in general, and the applicant.

195. PRIVATE HIRE LICENSING - INTRODUCTION OF A RESTRICTED PRIVATE HIRE DRIVER LICENCE

Considered – Report of the Licensing Team Leader.

DECISIONS

1. That restricted Private Hire Driver licences be introduced as an option – available for the purposes of LEA approved home-to-school transportation only.
2. That this Licence type shall be available from 1st April 2023.
3. That authority be delegated to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and Conditions of Licence if amendments are deemed necessary.

Reason:

It is appropriate that members of the Licensing and Regulatory Committee understand why the option of a restricted PHD licence has many benefits, including to support the LEA with their school transportation obligations.

THE MEETING CONCLUDED AT 5.57 P.M.

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Blaby District Council

Licensing & Regulatory Committee

Date of Meeting	15 June 2023
Title of Report	Licensing Act 2003 Statement of Licensing Policy
Report Author	Environmental Health Manager

1. What is this report about?

- 1.1 The Licensing Act 2003 requires Blaby District Council as the Licensing Authority to prepare and publish a Statement of Licensing Policy at least every five years. The current Policy was approved by Council in September 2018, and is due to expire in September 2023.
- 1.2 The Statement of Licensing Policy details how the Licensing Authority, over the next five years, will exercise its functions under the Licensing Act 2003 in the administration and compliance of licences and notices issued under the Act.
- 1.3 A recent four week consultation with Relevant Authorities and other interested parties has been undertaken, this report features responses from the consultation.

2. Recommendation(s) to Council

- 2.1 That, following consideration of the consultation responses and agreement of any subsequent amendments, the Statement of Licensing Policy 2023 – 2028 be agreed.
- 2.2 Delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee, to update the Policy in the future should amendments or changes be required as a result of changes in legislation or best practice guidance.

3. Reason for Decision(s) Recommended

- 3.1 It is appropriate that members of the Licensing & Regulatory Committee review and agree the Policy.
- 3.2 This is to ensure that any last minute amendments to the Policy whilst in draft form can be incorporated into the final Policy submitted to Council in July 2023 prior to it coming into effect on 1st September 2023.

4. Matters to consider

4.1 Background

The Licensing Act 2003 requires Blaby District Council as the Licensing Authority to prepare and publish a Statement of Licensing Policy at least every five years. The current Policy was approved by Council in September 2018, and is due to expire in September 2023.

The Home Office guidance issued under Section 182 of the Licensing Act 2003 provides guidance on the preparation of the Policy together with details on the consultation process, which must be followed. The current guidance (issued December 2022) has been taken into consideration.

The Statement of Licensing Policy details how the Licensing Authority, over the next five years, will exercise its functions under the Licensing Act 2003 in the administration and compliance of licences and notices issued under the Act.

The revised Statement of Licensing Policy is attached at **Appendix A**, and changes made from the previous Policy is attached as **Appendix B**.

4.2 Proposal(s)

That, following consideration of the consultation responses and agreement of any subsequent amendments, the Statement of Licensing Policy 2023 – 2028 be agreed.

Delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to update the Policy in the future should amendments or changes be required as a result of changes in legislation or best practice guidance.

4.3 Relevant Consultations

A consultation exercise regarding the revised Policy was commenced on 12th May 2023 for four weeks, ending on 9th June 2023.

The Authority issued correspondence to Responsible Authorities and other persons as required in the guidance, explaining how to submit a representation if desired. In addition, a link was placed on the consultation page of the Council's website. This allowed any other interested party wishing to be involved to submit representations.

Responses were received during the consultation period. The responses are detailed in the table attached at **Appendix C** (to be provided to the Committee prior to the meeting).

4.4 Significant Issues

There are issues regarding Legal Implications, these are addressed in Section 8.

5. What will it cost and are there opportunities for savings?

5.1 There are no costs and no opportunities for savings.

6. What are the risks and how can they be reduced?

6.1	Current Risk	Actions to reduce the risks
	The Licensing Authority is required to review its Statement of Licensing Policy every five years under the Licensing Act 2003.	The Policy has been reviewed within the mandatory period and will be kept under review whilst it is in effect until 2028.
	A Policy must be determined and published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.	The Policy is anticipated to be determined and approved by July following Committee and Council approval and will be published to take effect from 1 st September 2028.

7. Other options considered

7.1 There are no other options available.

8. Other significant issues

8.1 In preparing this report, the author has considered issues related to Human Rights, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

8.2 Legal matters

The Licensing Authority is required to review its Statement of Licensing Policy every five years under the Licensing Act 2003 and to keep the Policy under review while it is in effect. The Statement of Licensing Policy details how the Licensing Authority will exercise its functions under the Licensing Act 2003.

9. Appendix

- 9.1 Appendix A – Licensing Act 2003 Statement of Licensing Policy 2023 – 2028
- 9.2 Appendix B – Summary of Policy changes
- 9.3 Appendix C – Consultation responses – To follow

10. Background paper(s)

- 10.1 Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (accessible)
[Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](#)

11. Report author's contact details

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Licensing Act 2003

Statement of Licensing Policy

2023 - 2028

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1. Introduction

- 1.1. Blaby District Council makes this Statement of Licensing Policy in accordance with Section 5 of the Licensing Act 2003 (the Act). It has been prepared in accordance with the official guidance issued to Local Authorities under section 182 of the Act by the Home Office.
- 1.2. It explains how the Licensing Authority will carry out its role under the Act for the next five years. During this time the policy will be kept under review and where necessary revisions will be made following consultation with the bodies outlined below.
- 1.3. The Council has the responsibility for granting licences for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club or to the order of a member of the club, the provision of regulated entertainment and the provision of late night refreshment throughout its area.
- 1.4. Our policy will also:
 - Inform applicants about how applications will be reviewed and how a licensed premise is likely to be able to operate within the area of the licensing authority although each application will be examined and considered on an individual basis.
 - Inform residents and businesses how applications will be viewed and how their needs will be addressed and supported.
 - Be used as a guide by members of the licensing authority in their decision making.
 - And be used to support decisions made by the licensing authority when those decisions are challenged in a court of law.

2. Consultation

- 2.1. In developing this licensing policy the Licensing Authority consults with the persons or bodies set out below.
 - Leicestershire Police
 - Leicestershire Fire Authority
 - Leicestershire Health Authority
 - persons/bodies representing holders of existing premises licences
 - persons representing holders of existing club premises certificates
 - persons holding personal licences.
 - bodies representing businesses and residents in its area
 - other groups or persons that the Licensing Authority consider appropriate

3. Licensable Activities

- 3.1. Activities that require licensing under the Licensing Act 2003 are:

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

3.2. Regulated entertainment requires a licence when it is performed in the presence of an audience for their entertainment and is provided for members of the public or a section of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit, it includes the following.

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- and any similar entertainment to live music the playing of recorded music or performance of dance.

3.3. However, the Deregulation Act 2015 made a number of exemptions to regulated entertainment, when certain criteria are met, that mean a licence or other authorisation is not required. These are particularly in relation to plays, dance, films, indoor sporting events, and both live and recorded music.

4. Fundamental Principals

Background

4.1. The Statement of Licensing Policy sets out how the Licensing Authority will carry out its functions under the Licensing Act 2003. Nonetheless decisions relating to licences will consider, at all times, the merits of the individual case and have regard to this policy as part of a decision-making process.

The Licensing Objectives

4.2. In carrying out its licensing functions under the Act the Licensing Authority will seek to promote the licensing objectives. The licensing objectives are:

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

4.3. Each of the licensing objectives is considered to be of equal importance for the purpose of this policy.

Relevancy & Extent of Control

- 4.4. This policy concerns the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to the licence or other authorisation issued under the Act will be focused on matters within the control of the licensee or other person who is granted a licence or authorisation and will be centred on and around the premises or place(s) being used for licensable activities and the vicinity of those premises and places.
- 4.5. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the direct control of the licensed premises, club or others with relevant authorisations.
- 4.6. However licensing law is a key aspect for the successful control and management of leisure and entertainment in town centres. With this in mind the Licensing Authority would expect all licensees to be responsible for minimising the impact of their activities and the behaviour of their patrons or guests on others within the vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

Balance

- 4.7. The Licensing Authority will look to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.
- 4.8. This policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representation to an application or seek a review of a licence where provision has been made for them to do so in the Act.

5. Licensing Hours

- 5.1. The Licensing Authority recognises that providing consumers with greater choice and flexibility is important for a thriving evening and night-time economy. It is recognised that flexible and varied licensing hours are important to ensure that a concentration of customers leaving licensed premises simultaneously is avoided. However this will be balanced very carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 5.2. Fixed trading hours will not be set for particular geographical areas. In making decisions in respect of hours, the licensing authority will have regard to any representations received, the Guidance and to this policy with the aim of properly promoting the licensing objectives.
- 5.3. In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times when the

premises are open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance (following relevant representations)

6. Promotion of the Licensing Objectives

- 6.1. The Licensing Authority is required to carry out its functions so as to promote the licensing objectives.
- 6.2. Licence applications should be accompanied by an operating schedule that includes the steps that the applicant proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.
- 6.3. Applicants are urged to discuss their proposals with the Licensing Authority and Responsible Authorities prior to submitting an application. This will enable them to seek advice when formulating their operating schedule and may avoid the need for a hearing in response to relevant representations made by Responsible Authorities. The Responsible Authorities are:
 - This Licensing Authority;
 - Leicestershire Constabulary;
 - Leicestershire Fire and Rescue Service;
 - Blaby District Council's Environmental Health Service;
 - Blaby District Council's Planning Department;
 - Leicestershire County Council Trading Standards Service;
 - Leicestershire County Council Public Health Department;
 - Home Office;
- 6.4. Licensing Authorities can now act as a Responsible Authority in their own right. The Licensing Authority will determine when it considers it appropriate to act in its capacity as a Responsible Authority. Any such decision will be made with a view to promoting the licensing objectives and having regard to this Policy and the Guidance issued under section 182.
- 6.5. In acting in its role as Licensing Authority and Responsible Authority, this Licensing Authority will ensure that there is a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. The Officer acting for the Responsible Authority will not be involved in the administrative process of the application or review and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority. The officer advising the Licensing Committee will be a different person from the officer who is acting as the Responsible Authority.
- 6.6. This Licensing Authority will not act as a Responsible Authority on behalf of other parties' i.e. local residents, local councillors or community groups. Such parties can

make relevant representations to the Licensing Authority in their own right. However, if such parties have failed to act and the Licensing Authority is aware of relevant grounds to make a representation then this Licensing Authority may choose to act in its capacity as a Responsible Authority.

- 6.7. This Licensing Authority will also expect that other Responsible Authorities should intervene where the basis for that intervention falls within the remit of other Responsible Authorities i.e. the Police should make representations on issues that undermine the crime and disorder licensing objective. This Licensing Authority will work with other Responsible Authorities to provide relevant intelligence that may provide more information in relation to their own evidence.

7. Prevention of Public Nuisance

- 7.1. The Licensing Authority is committed to minimising the loss of “personal amenity” in the District by working in close partnership with Leicestershire Constabulary, Environmental Health and licence holders and their managers.
- 7.2. The Licensing Authority considers that a risk assessment should be carried out by applicants to determine the potential effect on neighbouring premises.
- 7.3. The Licensing Authority intends to interpret “loss of amenity” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour. Where these matters impact on those living, working or otherwise engaged in normal activity in an area, with particular regard to noise-sensitive areas, e.g. nursing homes, hospitals or places of worship etc. the Licensing Authority will consider applying additional conditions as appropriate.
- 7.4. The Licensing Authority recognises the importance of its culture, leisure and local economy to promote live music, dancing and theatre for the wider cultural benefits of the community as a whole.
- 7.5. When making applications, in providing evidence within the operating schedule that suitable and sufficient measure will be in place to address the public nuisance objective, applicants should consider the following matters, where appropriate:
- a) Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises. This would include music, ventilation equipment noise and human voices, whether or not amplified. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - b) Measures taken or proposed to be taken to prevent unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services;
 - c) Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents;
 - d) In the absence of locally available public transport, sufficient provision for access to taxis and private hire services;
 - e) The use of gardens and other open-air areas;

- f) Other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV following advice from the Crime Reduction Officer (or officer of equal status);
- g) Proposals to use effective means of reducing disorder by communicating with other licence holders and the Police; this could include relevant information which may relate to the potential for anti-social or criminal behaviour.

7.6. Licensing Authority will need to be satisfied that the type of Regulated Entertainment provided will be suitable for the location in which the premises are situated. Due to the different considerations that will apply, the operating schedule must also specify:

- a) whether any musical entertainment will include amplified music;
- b) the proposed nature of the indoor sporting event(s); and
- c) whether members of the public are allowed to participate in the entertainment otherwise than as audience/spectators.

7.7. Any change to the categories of entertainment to be provided will require a formal variation of the licence.

8. Prevention of Crime and Disorder

8.1. The Licensing Authority is committed to reducing crime and disorder across the District through its statutory duty under the Crime and Disorder Act and its links with the Police and Community Safety Partnership.

8.2. When preparing an operating schedule, applicants for a premises licence or club premises certificate will need to consider reasonable steps to reduce crime and disorder. Applicants will be expected to provide evidence that suitable and sufficient measures will be in place to address the crime and disorder objective.

8.3. Applicants should consider the following matters, where appropriate:

Irresponsible Drinks Promotions

8.4. The Licensing Authority supports a positive approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.

8.5. All premises that sell alcohol are subject to mandatory conditions which make irresponsible drinks promotions illegal. A subjective judgement will be required when determining whether a drinks promotion is irresponsible or not. Applicants should show that they will undertake all reasonable steps to ensure that they or their staff do not engage in, arrange or promote such promotions.

CCTV

8.6. The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, the 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 recording for an appropriate period of time. Leicestershire Police will provide advice to applicants preparing an operating schedule on the installation and maintenance of CCTV.

Door Supervision

8.7. Door supervisors can be used to ensure that only appropriate persons are admitted to the premises and assist with the operation of proof of age schemes. They can also be used to ensure that people waiting to enter licensed premises behave in an orderly manner. They can be valuable in:

- keeping out excluded individuals (subject to bans imposed by the courts or the licence holder)
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons

8.8. Where door supervisors are conducting security activities there will be a condition attached which specifies that they would have to be registered with the Security Industry Authority.

8.9. The operating schedule will may also need to indicate the number of door supervisors, the displaying of name badges and proof of registration, where and during what times they will be stationed at the premises.

Staff Training

8.10. Adequate and appropriate staff training forms a vital part of ensuring licensed premises are properly run so that they promote the licensing objectives. The applicant should set out what steps have been or will be taken to ensure all staff are trained in crime prevention. This should include what measures will be taken to raise staff awareness to discourage and prevent the use and/or dealing of drugs on the premises.

Record Keeping and Reporting

8.11. The licensing authority considers that proper records of all instances of refusal to sell alcohol and incidents of crime and disorder must be recorded. These records shall be immediately available to Police and Licensing Officers on request. It is expected that all incidents of crime and disorder are reported to the police.

Boxing & Wrestling

8.12. Boxing and wrestling events performed before an audience will require an authorisation under the Licensing Act. Before granting an authorisation the licensing authority will want to be satisfied that adequate measures have been taken to ensure

that crowd disorder does not occur. Prior to application the licensing authority recommends that a risk assessment should be undertaken to determine what steps are necessary to promote the licensing objective and this will include:

- Adequate and proper door supervision
- Police supervision on site during the event
- Not holding fights between contestants which have resulted in disorder in the past;
- Bare knuckle and some other forms of boxing are illegal – Leicestershire Police should be contacted for advice prior to events being organised.

8.13. The licensing authority will consider any conditions, where these are deemed appropriate to the individual style of the premises and the activities set out in the operating schedule including;

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons.
- Requiring drinking vessels to be made of reusable plastic or toughened glass.
- Appropriate measures to prevent overcrowding in a premises
- Ensuring drunkenness is not tolerated on licensed premises
- Carrying out a risk assessment where the event is not part of the premises usual business or the events are promoted by a third party.

8.14. 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.

9. Public Safety

9.1. Most premises are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and the Regulatory Reform (Fire Safety) Order 2005 aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.

9.2. Applicants are advised to demonstrate through their operating schedule that their proposals will not have a negative impact on public safety. The measures that are

appropriate to promote public safety will vary from premises to premises and will include such things as

- Fire Safety
- Safe Capacities
- Safe admission and departure for those using the premises
- Maintenance & repair
- CCTV & appropriate lighting

9.3. Applicants should consider when making an application what steps they will take and how they will promote the public safety objective.

9.4. In all circumstances the Responsible Person should know and adhere to capacity limits (occupancy figures) and shall comply with their appropriate Fire Safety Order.

9.5. In certain premises such as outdoor venues, where existing legislation does not provide adequately for the safety of the public, consideration will be given to conditions that promote all necessary measures to ensure the public are not at risk at these premises. Examples of this would be:

- Setting safe capacity limits for all or separate parts of the premises;
- Provision of staff to control admission and customers once inside the venue be that indoors or outdoors.

10. Protection of Children from Harm

10.1. The Licensing Authority will carry out its responsibility to ensure the promotion of the licensing objective for protecting children from harm. In doing this it will expect applicants for a premises licence or club premises certificate to set out in the operating schedule accompanying their application the measures that they will take to protect children from harm.

10.2. The Licensing Authority will also take into account any representation made by Leicestershire Constabulary who are the lead authority for child protection in relation to applications, licences and notices issued under the Act. It is expected that Leicestershire Constabulary will make representation to any application where they have any concerns for the welfare and/or protection of children.

10.3. Licences will be sought for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-away, pubs, bars and nightclubs. It is not possible for this Policy to anticipate every situation where children may be at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

10.4. The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm where relevant representations are received. While each case will be judged on its own merits, the following sets of circumstances are likely to give rise to particular concern for the protection

of children. Where these or similar activities are to take place at premises to be licensed, the Licensing Authority would expect applicants, when preparing operating schedules to outline in detail the steps that they intend to take to protect children from harm on such premises. The activities include:

- a) Where entertainment or services of an adult or sexual nature are commonly provided;
- b) Where the premises have a reputation for underage drinking;
- c) Where current or intended staff at the premises have convictions for serving alcohol to minors or for other matters relating to children;
- d) Where the premises have a known association with drug taking or dealing;
- e) Where there is a strong element of gambling on the premises (but not simply a small number of cash prize gambling machines);
- f) Where the premises are situated in the immediate vicinity of a school or college;
- g) Where the premises or the immediate vicinity of the premises is known to be a focal point for children and young people under 18 to congregate;
- h) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

10.5. Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

10.6. The range of options available to limit the access of children to licensed premises that may be considered if relevant representations are received include:

- a) Limitations on the hours where children may be present;
- b) Age limitations (for those below 18 years of age);
- c) Limitations or exclusions of the presence of children under a certain age when specified activities are taking place;
- d) Requirements for an accompanying adult;
- e) Limitations on the parts of premises to which children might be given access; and
- f) In exceptional cases, full exclusion of people under 18 from the premises when any licensable activities are taking place.

Children and Cinemas

10.7. Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view uncertified films, unless the licensing authority has given permission following a formal authorisation process.

Children and Regulated Entertainment

10.8. The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a regulated entertainment event, the licensee should have a Child Protection Policy in place to carry out suitable checks on staff

before they take up employment. In addition, they will ensure that an adequate number of adult staff will be present to control the access, egress and safety in and around the premises. The licence holders should take into account the number of children to be present, the age of the children, the type of entertainment and the characteristics of the premises and any other factor that may be relevant.

Children and the Sale of Alcohol

10.9. Since October 2010, a mandatory condition is imposed on all licensed premises to adopt and implement a proof of age scheme in licensed premises. The Licensing Authority supports as best practise that licensed premises adopt and sign up to “Challenge 21” scheme that is administrated by the Police and Trading Standards. The Licensing Authority supports PASS cards complying with the Proof of Age Standards Scheme (PASS) launched by the British Retail Consortium as the most effective means of proving age.

11. Consideration of Cumulative Impact

11.1. In certain situations, the number, type and density of premises selling alcohol may be associated with serious problems of nuisance and disorder. Cumulative impact is the potential impact on the promotion of the licensing objectives of several licensed premises concentrated in one area. In these circumstances, where evidence is brought to the attention of the Licensing Authority which supports the need for a special policy, it will consider the evidence and if satisfied, where appropriate and necessary, will include an approach to cumulative impact in its Policy. A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or types of licence applications granted in areas where there is evidence to show that either/or the number or density of licensed premises in the area is having a cumulative impact leading to problems that undermine the licensing objectives.

11.2. The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives. “Need” is not a matter for a Licensing Authority in discharging the licensing functions or for this Policy. Conversely, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority and its Licensing Committee to consider.

11.3. The Licensing Authority recognises, however, that any such policy cannot be absolute and it would continue to consider each application properly on its merit and for licences that are unlikely to add significantly to the problems of cumulative impact the application would be granted. In considering whether to adopt a CIA, the Licensing Authority will take the following steps:

- a) identification of the concern raised in relation to the 4 licensing objectives;
- b) assessment of the causes, and evidence of the problems;
- c) where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area; and

- d) Consult with those specified in section 5(3) of 2003 Act and provide details and reasoning.
- e) Subject to the outcome of consultation, adopt and publish the CIA, as provided for in this Policy

Representations

- 11.4. Once a relevant representation has been received to engage a CIA, there is a rebuttable presumption that the applications which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 11.5. If no relevant representations are received to engage any special policy then the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.

Review

- 11.6. The Licensing Authority will review any CIA adopted within 3 years. It will then consider whether it remains of the opinions of those set out in the initial assessment.

Restrictions on Cumulative Impact Assessment

- 11.7. A CIA will not be used to:

- a) remove a licence when representations are received about problems with existing licensed premises;
- b) justify the rejection of variations to a licence except where those variations are directly relevant to the CIA;
- c) examine issues about the "need" for further licensed premises, which is a matter for market forces and not for the licensing regime;
- d) indirectly fix a terminal hour for premises licences in a particular area;
- e) adopt quotas that pre-determine the individual merits of any application.

Other mechanisms available for controlling cumulative impact

- 11.8. The Licensing Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues, including:

- Planning controls;
- Community Protection Notices;
- Controlled drinking spaces (Public Spaces Protection Orders)
- Police enforcement of existing laws on anti-social behaviour;
- Designation of areas where alcohol may not be consumed publicly;
- Confiscation of alcohol from adults & children in designated areas;

- The closure of licensed premises for up to 24 hours on grounds of disorder, likely disorder or excessive noise;
- Powers to seek review of a Premises Licence or Club Premises Certificate;
- Introduction of an early morning alcohol restriction order;
- Introduction of a late night levy.

12. Integrating Existing Strategies and Policies

12.1. The Licensing Authority will seek to achieve integration with other strategies set out below and will consult with the appropriate organisations to achieve this.

12.2. Blaby District Community Safety Partnership

12.3. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Blaby District a safe and attractive area in which to live, work, study and socialise.

12.4. In making decisions, the Licensing Authority will consider the Blaby District Community Safety Strategy, especially relating to:

- Reducing the opportunities for crime to occur;
- Tackling disorder and anti-social behaviour;
- Reducing the fear of crime;
- Combating the use of drugs.
- Reducing harm caused by alcohol
- Raising awareness of Child Sexual Exploitation

Street Trading Consent Scheme

12.5. Blaby District Council administers a Street Trading Consent scheme. The whole District is considered to be a consent area. Those street traders who provide hot food or drink between 23:00 and 05:00 hours also require a premises licence under the Licensing Act 2003. Street traders equipped with a mobile catering vehicle may apply for a premises licence to supply late night refreshment but as part of the application process will be required to provide the details of the area in which they want to trade. This trading area will be quite well defined within the broader landscape and will act as the 'premises'. Trading will not be allowed outside the 'premises' area. The applicant will also be required to provide a description including photographs of their mobile catering vehicle. To make a change to the vehicle or the 'premises' trading area a licence holder will be required to submit a fresh premises licence application.

Sex Establishments and Sexual Entertainment Venues (SEV)

12.6. The Council introduced its SEV policy in June 2011. Where an applicant holds a SEV licence, it is likely that any conditions of its operation will be integrated with any Licensing Act authorisation. Failure to comply with any conditions may result in the premises licence/club premises certificate being reviewed.

Sustainable Community Strategy (SCS)

- 12.7. Blaby District Council has developed a Sustainable Community Strategy (SCS) which sets out the long-term vision for the District of Blaby and explains what the Council, through Blaby Together; plan to do to achieve this.
- 12.8. The SCS aims to identify the priorities for an area, and then, by working with the community, sets out plans to improve the quality of life for people within the area.
- 12.9. The Licensing Authority is committed to promote the short and long ambitions of the strategy, particularly those priorities which relate to the success of our arts, heritage, parks and green/open spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, plays, faith and worship, tourism, restaurants and bars and creative industries.
- 12.10. This Policy will assist with the vision set out in the Sustainable Community Strategy for Blaby District by:
- a) monitoring the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals and encourage the promotion of these activities for the wider cultural benefit of our community;
 - b) create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests;
 - c) seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc.; by imposing only those conditions which are considered appropriate, reasonable and proportionate;
 - d) seek to ensure that conditions attached to licences do not deter new or small scale groups/activities in communities by imposing conditions which will lead to a costs which are disproportionate to the size of the event
 - e) seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining the Council's commitment to increase access to cultural participation as a fundamental human right

13. Planning and Building Control

- 13.1. The Licensing Authority will ensure that planning permission, building control approvals, and licensing regimes are separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters.
- 13.2. Applicants may wish, and will be encouraged, to seek advice regarding planning permission or building control approval from the appropriate authority prior to submitting an application under the Act. The Licensing Sub-Committee are not bound by decisions made by a planning committee and vice versa.
- 13.3. If there are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes, where these

hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

- 13.4. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

14. Promotion of Equality

- 14.1. Developing this strategy, the Licensing Authority has recognised its responsibility under the Public Sector Equality Duty (PSED), section 149 of the Equality Act 2010. The aims of the PSED are to eliminate unlawful discrimination; promote equality of opportunity and foster good relations between different groups of people.

- 14.2. The PSED requires the Council to give consideration to these protected characteristics stated under section 149: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 14.3. The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one or more of the licensing objectives this would be a matter the Licensing Authority could consider. However, where appropriate the Licensing Authority will implement the following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance:

- The Policy will be available on the internet, and in other formats upon request;
- The licensing objective of protecting children from harm will be promoted;
- Where appropriate action will be taken to ensure the safety of vulnerable people in licensed premises.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded;
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance;
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

15. Disabled Access

- 15.1. The Guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind applicants and operators of premises of their duties under the Equality Act 2010.

16. Transport

- 16.1. The Transport Strategy is set out in the Leicestershire Local Transport Plan (LTP) produced by Leicestershire County Council. The plan sets out the main proposals for achieving an integrated transport system to tackle the adverse impacts of traffic growth.
- 16.2. The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided.
- 16.3. Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. They offer a flexible, accessible door to door service.

17. Duplication

- 17.1. The Authority will avoid duplication with other regulatory regimes insofar as attaching conditions to premises licences and club premises certificates.
- 17.2. Conditions will only be attached where they are necessary for the promotion of licensing objectives. Matters already provided for in other legislation will not be considered necessary in the context of licensing law.

18. Conditions

- 18.1. Conditions will only be attached to premises licences and club premises certificates that are:
- appropriate and proportionate for the promotion of one or more of the licensing objectives;
 - tailored to the individual style and characteristics of the premises and events concerned;
 - can be put into effect and enforced within the relevant operating schedule;
 - after a hearing where a relevant representation has been upheld or;
 - after a review hearing where the grounds for the review have been upheld.
- 18.2. A number of conditions are mandatory and are required to be applied to most licences and certificates. These relate to such things as the requirement for a designated premises supervisor where alcohol is to be sold, age restrictions on the sale of alcohol or the exhibition of a film, a requirement for door supervisors, as well as the required measures of alcohol and free drinking water to be available.
- 18.3. To aid administration the licensing authority maintains a list of standard conditions, namely a Pool of Model Conditions, which is supplementary to this policy. These conditions identify appropriate and proportionate conditions to cover particular circumstances. These conditions are not intended to be an exhaustive list and other conditions will be considered as may be appropriate.

18.4. Applicants will be encouraged to review these conditions, and where necessary, offer them as part of the premises operating schedule.

19. Personal Licences

19.1. The Licensing Authority recognises the important role that personal licence holders play in the promotion of the licensing objectives at premises selling alcohol. Every sale of alcohol made under a premises licence is required to be made or authorised by a personal licence holder.

19.2. Because of this important role, the Licensing Authority considers it to be good practice for a personal licence holder and in particular the designated premises supervisor to have significant operational involvement in the sale of alcohol rather than to undertake a remote or periodic authorisation of other staff. Essentially this would mean authorisation on a least a daily basis and to be available throughout the day to deal with any circumstances that require their expertise and authority.

19.3. When applying for a personal licence, applicants are required to produce a Basic Disclosure from Disclosure Scotland that is no older than one month. All applicants are expected to make a clear statement as to whether they have been convicted of a relevant offence or an equivalent offence outside England and Wales. Personal licence holders are required to have prescribed training and not have any relevant convictions which would call into doubt their suitability.

19.4. In accordance with the Secretary of State's advice, the Licensing Authority will normally refuse applications where the police have issued an objection notice, unless in the opinion of the Licensing Authority there are exceptional and compelling reasons which can justify granting the application.

20. Temporary Event Notices

20.1. The Act allows licensable activities to be carried out in specified circumstances on a temporary basis. A Temporary Event Notice (TEN) must be served on the Licensing Authority, with a copy sent to the Chief Officer of Police and the Environmental Health Department, 10 clear working days before the event (not including the day the notice is received by the Authority and not including the day of the event).

20.2. The Chief Officer of Police and/or the Environmental Health Department may submit an objection notice to the TEN if satisfied that any of the licensing objectives would be undermined.

20.3. Whilst the Licensing Authority recognises the minimum notice period given for the submission of TEN, it would encourage those wishing to submit them to do so at least 28 days prior to their event taking place. This will allow time for the Premises User (the person submitting the TEN) to act appropriately, should an objection from the Police or Environmental Health lead to a refusal of the TEN by the Authority.

20.4. If an objection notice has been received from the Police and/or Environmental Pro-

tection Department, the Licensing Authority can impose conditions (from the existing conditions on the premises licence or club premises certificate) to the TEN but only if it is considered appropriate to the promotion of the licensing objectives to impose one or more of the conditions.

20.5. A Late Temporary Event Notice (late TEN) can be given up to 5 clear working days but no earlier than 9 clear working days before the event is due to take place. The number of late TENs that can be given in a calendar year is limited.

20.6. Late TENs may be objected to by the Chief Officer or Police and/or the Environmental Health Department if they are satisfied that the event will undermine any of the licensing objectives. There is no opportunity for a hearing if a representation is received and the licensable activities at the event will not be able to go ahead.

21. Enforcement

21.1. The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in the Act. Full premises inspections will not be undertaken routinely, however inspections and advice campaigns will be conducted when judged necessary which will allow resources to be effectively targeted towards problem premises. Enforcement activities will be targeted in terms of individual risk so as best to promote the licensing objectives.

21.2. Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition, account will be taken of the Regulators' Code and the general enforcement policy of the Licensing Authority, which aims to ensure that enforcement is transparent, fair, reasonable and proportionate.

21.3. Enforcement action will be considered in accordance with the Authority's Environmental Health and Licensing Enforcement Policy and its principles of consistency, transparency and proportionality.

21.4. The Licensing Authority will also develop and review enforcement protocols with Leicestershire Constabulary and other relevant partnership agencies to ensure efficient deployment of Licensing Authority enforcement officers to avoid duplication and reduce any unnecessary regulatory burden on businesses.

21.5. Enforcement activities will include operations designed to:

- Protect public safety
- Prevent nuisance
- Prevent crime and disorder
- Protect children from harm
- Identify unlicensed activities
- Respond to complaints and representations from relevant individuals and responsible authorities
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk

- Identify the keeping of smuggled goods
- Prevent drug misuse

22. Delegation of Functions

- 22.1. The Licensing Authority acts in accordance with the provisions of the Act in relation to the functions automatically transferred to Licensing Committees, and refer to the Guidance issued under Section 182 of the Act when determining officers delegated powers.
- 22.2. The full range of delegated powers can be viewed within Blaby District Council's Constitution Part 3 section 1 page 20 number 110 and Section 6, sub-section 11.
- 22.3. The Authority is committed to ensuring that it does not place extra burden on applicants, wherever possible, whilst providing an effective licensing function for all licence holders and the community it aims to protect.
- 22.4. The following will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:
- a) Application for a personal licence where there are relevant unspent convictions;
 - b) The review of a premises licence or club premises certificate;
 - c) Decision to object when the Local Authority is the consultee and not the relevant authority considering the application;
 - d) Determination of a Police objection to a temporary event notice;
 - e) Determination of an Environmental Health objection to a temporary event notice;
 - f) Application for a personal licence;
 - g) Application for a premises licence or club premises certificate;
 - h) Application for a provisional statement;
 - i) Application for variation to a premises licence or club premises certificate;
 - j) Application to vary a designated premises supervisor;
 - k) Application for transfer of a premises licence;
 - l) Application for interim authority.
- 22.5. The Licensing Authority will ensure that all members appointed to serve as members on the Licensing Committee have undergone appropriate training before they act in that capacity.

23. Right to Appeal

- 23.1. Applicants and those making representations in respect of applications and reviews to the Licensing Authority have the right of appeal to the Magistrates' Court against the Licensing Authority's decisions. Further information on how to appeal can be obtained by contacting Leicester Magistrates Court, The Court House, 15 Pocklington Walk, Leicester, LE1 6BT.

24. Fees

24.1. Fees are set within the Licensing Act 2003 and will be referred to when applicable.

24.2. The Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

25. Period of Validity and Review

25.1. This statement of licensing policy will come into force on 1st September 2023 and be valid for five years.

25.2. The policy will be kept under review during the period of validity and if necessary amendments will be made.

25.3. Prior to a new policy being adopted or amendments made to the existing policy the Licensing Authority will undertake consultation in accordance with section 5(3) of the Licensing Act 2003.

26. Contact Details

26.1. Should you wish to contact the Licensing department, please contact:

By post:

Licensing
Blaby District Council
Council Offices
Desford Road
Narborough
Leicester
LE19 2EP

By telephone:

0116 272 7782

By email:

Licensing@blaby.gov.uk

Changes to Updated Policy

Section 5 – Inclusion of Public Spaces Protection Orders (PSPO)

Section 12 – inclusion of Street Trading Consent scheme and Sexual Entertainment Venue policy

Section 13 – additional text regarding distinction between Planning and Licensing regimes, applicant seeking and being encouraged to seek planning permission prior to application, and “agent of change” principle.

Section 18 – additional context to conditions, plus inclusion and reference to the Pool of Model Conditions

Section 19 – inclusion of Basic disclosure requirements

Section 22 – additional context in relation to the delegated functions of a Licensing Committee or Sub-Committee

Section 23 – additional section: Right to Appeal

Section 24 – additional section: Fees

Section 26 – additional section: Contact details

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