

**STEVENAGE BOROUGH COUNCIL**

**DRAFT 'STATEMENT OF LICENSING POLICY'**

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## 1. Introduction.

- 1.1 The authority is a New Town with an area of approximately 20 square miles and a population of 78,000. It is mostly urban consisting of 6 planned residential neighbourhoods, each with a local centre with facilities such as public houses, small supermarkets/grocers/off licences and community centres. There are areas of more commercial activity such as found in the High Street, the Town Centre and the Leisure Park. The new development at the Plaza in the Town Centre has created another focus for leisure activity at night.
- 1.2 Stevenage Borough Council is the Licensing Authority under the Licensing Act 2003 (the Act) and has the responsibility for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.3 The table below shows the likely numbers of each type of premises to be licensed.

Type of Licence	Public Entertainment Licence	On Sales	Restaurant & Residential	Off Sales	Restaurant	Licensed Club	Late night food sale	Total
Number	24	83	1	39	11	16	44	218

- 1.4 The Act requires the Licensing Authority to prepare and publish its licensing policy every three years. The policy must be published before the Council carries out any function in respect of applications made under the terms of the Act. The Licensing Authority will keep the policy under review and may make such revisions to it as it considers appropriate, in accordance with the statutory objectives.
- 1.5 The Act requires the Licensing Authority to carry out its licensing function so as to promote the four licensing objectives:
- 1. The prevention of crime and disorder**
  - 2. Public safety**
  - 3. The prevention of public nuisance**
  - 4. The protection of children from harm.**
- 1.6 Before the Licensing Authority determines its policy for any three year period, it must consult with those persons listed in section 5(3) of the Act. These are:
- a. The chief officer of police for the borough;
  - b. The fire authority for the borough;
  - c. Persons / bodies representative of local holders of premises licences;
  - d. Persons / bodies representative of local holders of club premises certificates;
  - e. Persons / bodies representative of local holders personal licences;
  - f. Persons / bodies representative of business and residents in the borough.
- 1.7 The Licensing Authority will also endeavour to consult current licence holders under the 1964 act these are:
- a. Justices licences (off- and on licences);
  - b. Canteen Licences issued under the Licensing Act 1964;

- c. Licences issued under Private Places of Entertainment (Licensing) Act 1967;
- d. Licences issued under the Theatres Act 1968
- e. Licences issued under the Late Night Refreshment Houses Act 1969
- f. Licences issued under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982;
- g. Licences issued under section 1 of the Cinemas Act 1985

- 1.8 The Licensing Authority shall also consult with other representative groups within the borough, some of which are listed below:
- a. Local transport providers representatives / bodies representatives
  - b. Local performers representatives / bodies
  - c. Community Safety Team.
  - d. Cultural Strategy for Stevenage. Steering Group.
  - e. Stevenage Partnership Board

- 1.9 The licensing authority recognises, in particular, that as part of implementing its cultural strategy, proper account will have to be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Any conditions that may be required will not, therefore, discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

- 1.10 The specific activities which require a licence under the provisions of the Act and which are covered in the policy statement include:

The retail sale of alcohol (including via the internet or mail order)

The supply of alcohol to members of a registered club

The provision of entertainment to the public or to members of a club or events with a view to making profit to which the public are not admitted (including raising money for charity) where the entertainment involves:

- a theatrical performance
- a film exhibition
- any indoor sporting event including boxing or wrestling
- the performance of live music
- the playing of recorded music
- a 'dance' performance
- the provision of facilities for dancing or for making music
- and/or entertainment of a similar nature such as karaoke

The supply of any hot food or drink between 23:00 and 05:00 hours.

## 2. Policies, Strategies & Initiatives

- 2.1 The Licensing Authority will continue to promote and work in partnership to discharge its responsibilities identified by other Government and local strategies and initiatives, where they impact on the objectives of the Act. National strategies and initiatives are;

Stevenage voluntary Pub Watch Scheme  
 Alcohol Harm Reduction Strategy  
 Tackling Drugs to build a Better Britain  
 Action plan to Tackle Alcohol Related Crime

- 2.2 The Licensing Authority will consider each application on its own merits, but may make reference to other adopted Council policies including:-

Community Safety Action Plan  
Crime and Disorder Strategies  
Enforcement Concordat.  
Cultural Strategy.

- 2.3. Stevenage Pub Watch voluntary scheme has been developed to enhance the safety, security, comfort and well being of customers and staff for all types of premises. Compliance with such schemes will be made part of the assessment for priority planning of inspections. The Licensing Authority will take an active part in the scheme and will actively work with all licence holders to promote a Voluntary Code of Practice in respect of discounting of alcoholic drinks and responsible drinking campaigns. A ban will be sought on irresponsible drink promotions once evidence can link premises to disorder.
- 2.4. The Licensing Authority will fully support and assist in the development of a Code of Practice for the use of proof of age of patrons using venues within Stevenage.
- 2.5. Orders made by the Council under the Police and Criminal Justice Act 2001 to control the drinking of alcohol in the streets will be regularly reviewed along with this policy.

### 3. Planning

- 3.1 The Council's Planning Policies are set out in its Local Development Framework. Government guidance in the form of Planning Policy Guidance Notes (PPG) and Regional Planning Policy Guidance Notes (RPG) are also relevant when applying for premises licences and reference to these will be made.
- 3.2 Licensing is a separate regime to the planning function of the authority and licence applications will not, therefore, be a re-run of the planning application process. In general the Licensing Authority will expect that, prior to the submission of a licensing application, the appropriate planning permission will have been resolved and that any operating hours sought do not exceed those authorised by the planning permission. It is recognised in certain situations a provisional statement may be sought alongside planning permission.
- 3.3 The licensing committee may refuse to grant a licence following representations from the local planning authority if the:
  - (1) activity to be authorised would amount to an unlawful use of the premises;
  - (2) hours being sought exceeded those authorised by any planning permission.

It will be for the applicant to demonstrate any special circumstances to justify a departure from this policy in the face of representations from the local planning authority.

- 3.4 Where an applicant wishes to make application for an activity for which lawful planning use cannot be demonstrated, it will be for the applicant to demonstrate the special circumstances to justify a departure from the above policy.

### 4. Building Control

- 4.1 Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives including structural integrity, structural fire precautions, means of escape in case of fire and other safety related matters including accessibility. The internal fabric, fittings and emergency systems shall be included in the detailed within the operating schedule for the premises when considering the licensing objective for

public safety and shall be agreed by the licensing officer following consultation with other relevant authorities.

- 4.2 The Fire Authority will be statutorily consulted by Building Control in respect of any application submitted under the Building Regulations for material change of use and/or building work to any premises to which the Licensing Policy applies. This is part of Building Control's standard procedures.
- 4.3 Note that Building Regulation applications are not necessarily required for all licensing proposals but only when there is building work controllable under the Building Regulations or a material change of use or material alteration, within the definitions under the Building Regulations.
- 4.4 The licensing committee may refuse to grant a licence following representations from the local building control authority if the:
  - (1) activity to be authorised would amount to an unlawful use of the premises;
  - (2) the construction is not approved by building control.

It will be for the applicant to demonstrate any special circumstances to justify a departure from this policy in the face of representations from the local building control authority.

- 4.5 The licensing authority may consider an application for a licence or variation of a licence where building control approval has not been sought or withheld and the applicant can demonstrate that the matter preventing approval does not relate to any concerns in respect of the licensing objectives.

## 5. Human Rights

- 5.1 The Human Rights Act 1998 incorporated 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. The Licensing Authority will have particular regard to the following relevant provisions in determining licence applications.

Article 6 – In the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 – That everyone has the right to respect his home and family life

Article 1 – That every person is entitled to a peaceful enjoyment of his or her possessions

## 6. Race Equality

- 6.1 The Race Relations Act, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.
- 6.2 The Licensing Authority will therefore have due regard to this responsibility when imposing conditions on licences so as to ensure that they could not directly or indirectly lead to discrimination against any racial group.

## 7. Principles of the Licensing Policy

### General.

- 7.1 In determining a licence application the principle adopted by Licensing Authority will be that each application will be determined on its merits. In considering every application, under the terms of this policy, regard will be given to Government guidance under Section 182 of the Act, the Act generally and to any supporting regulations issued by Central Government.
- 7.2 Any individual preparing an operating schedule is at liberty to volunteer any measures 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.

## 8. Live Music, Dancing and Theatre

- 8.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 8.2 As part of this policy the Licensing Authority will seek to provide premises licences for public spaces within the community.
- 8.3 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 8.4 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 8.5 The incidental performance of live music or the playing of recorded music may not be regarded as regulated entertainment under the Act in certain circumstances. This is where they are incidental to another activity which is not entertainment or the provision of entertainment facilities whether or not music is incidental to other activities will be judged on a case by case basis but:
- (1) The playing of live or recorded music at volumes which predominate other activities, at a premises would not normally be regarded as incidental.
  - (2) A juke box played at moderate levels would normally be regarded as incidental to the other activities
- 8.6 Spontaneous performance of music, singing or dancing does not amount to the provision of regulated entertainment, unless facilities are provided and made available for the purpose or purposes to enable the entertainment to take place.

## 9. Cumulative Effect

- 9.1 The Licensing Authority will not take 'need' into account when considering an application, as this is a matter for planning control and the market. However, it recognises that the cumulative impact of the number, type and density of licensed

premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.

- 9.2 Representations may be received from a responsible authority/ interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 9.3 There may be situations where the Licensing Authority would be unlikely to grant further licences in one particular area, where it believes that this would, even if a licence were granted subject to conditions, not allow the Licensing Authority to fulfil its obligations under the Act.
- 9.4 The following assessments will be made whether to adopt the above approach:
- **identification** of serious and chronic concern from a responsible authority or representatives of residents about nuisance and disorder
  - **demonstration** that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
  - **determining** the causes
  - **adopting** a policy about future licence applications from that area
- 9.5 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally of the grant of the specific application in front of them.
- 9.6 The Licensing Authority will review any such policies described in this section, every three years to see whether they have had the effect intended, and whether they are still needed.
- 9.7 The Licensing Authority will not use such policies solely:
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
  - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
- 9.8 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 9.9 The Licensing Authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.
- 9.10 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues.

## 10. Licensing Hours

- 10.1 The Government's view is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. It is widely believed by the Government that shops and

public houses generally would be permitted to sell alcohol during hours they intend to operate. Entertainment providers should be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.

- 10.2 The Licensing Authority understands the view of Government and accepts the principle of 24 hour opening for licensed premises, but considers that it is self evident that a risk of disturbance to residents is greater when licensable activities continue late into the night and the early hours of the morning. It also realises the majority of licensed premises will not wish to remain open for 24 hours even if their licence permits it. Where an applicant applies to extend their current opening hours, the Licensing Authority will expect their operating schedule to detail the measures to be taken to ensure the licensing objectives have been addressed, and where necessary for small businesses to comply with the necessary licensing objectives
- 10.3 The Licensing Authority recognises that longer licensing hours for the sale of alcohol would avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.
- 10.4 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 10.5 This would treat residents in one area less favourably than those in another would, as well as causing the peaks of disorder and disturbance the Act is trying to avoid.
- 10.6 The Licensing Authority will deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas and representations have been made to the Licensing Authority.
- 10.7 This policy will not attempt to artificially introduce staggered closing times and the concept of a lock in period after which no further customers are to be admitted to the premises, is unlikely to be applied.

### **Shops, Stores And Supermarkets**

- 10.8 The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 10.9 However, it may consider there are very good reasons for restricting those hours, for example, where police representations are made in respect of shops known to be the focus of disorder and disturbance.

## **11. Sex Related Activities**

- 11.1 Where the activities proposed in the application for a licence include those of a sexual related nature (e.g. striptease, table dancing, topless waitresses including films exhibitions) the Licensing Authority will take into account the risk of impact on the licensing objectives and will have regard to the risk of nuisance to nearby residents. The Licensing Authority interpretation of "striptease" in this context should be taken to refer to any entertainment or service involving exposure of the parts of the body representing the female or male, or the sexual stimulation of patrons.



- 11.2 The Licensing Authority will not normally grant a licence to provide entertainment that involves a sex related element, where the entertainment is in the immediate vicinity of schools, nurseries, churches, hospitals, youth clubs or similar sensitive premises.
- 11.3 Where such licences are granted, conditions will be imposed which are designed to ensure that children are not permitted to and cannot witness either these activities or advertisements for them as well as those conditions necessary to prevent crime and disorder problems.
- 11.4 The Licensing Authority will require all premises that intend to conduct such activities on its premises to include the relevant details in the premises operating schedule.
- 11.5 The Licensing Authority will not normally grant a licence unless:
- The premises operating schedule specifies adequate arrangements for prohibiting children under the ages of 18 from entering the premises.
  - The premises operating schedule specifies adequate arrangements for preventing crime and disorder and preventing public nuisance.
  - The entertainment cannot be viewed from the street/highway.
  - The entertainment is in an area provided with segregation from the audience.
  - The performers will have direct access to the dressing room(s) without the need to pass or come into close proximity of the audience.
  - There is no advertising of the entertainment at the premises or in close proximity of the premises.
- 11.6 All applications to use a premise for sex related activities will be heard by the Licensing Committee, the matter is a hearing of the application and not a cross-examination between the applicant and objectors.

## 12. Representations

- 12.1 The Police and other responsible authorities including any Environmental Health Officers from this or any other local authorities may make representations to the Licensing Authority in respect of proposals. Local residents and traders should also feel free to raise reasonable and relevant representations although there is a preliminary stage at which the Licensing Authority must determine whether the representation is relevant, vexatious or frivolous. If the Licensing Authority so determine, no hearing will be convened.
- 12.2 Following a successful application for a review of a licence, the Licensing Authority may decide to investigate whether an Order under the Police and Criminal Justice Act 2001 should be made to control the drinking of alcohol in public spaces in the area surrounding the premises concerned in the review.

## 13 Licence Conditions

- 13.1 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Where representations are made and if considered necessary, conditions will be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees and any mandatory conditions prescribed in the Act itself.
- 13.2 The Licensing Authority may not impose any condition unless it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose conditions necessary to promote the licensing objectives.

- 13.3 When considering conditions, the Licensing Authority will primarily focus on the impact of the activities taking place at licensed premises, on members of the public living, working or engaged in normal activity in the vicinity of the premises. The vicinity means, where the premises can be identified as the cause.
- 13.4 Where no Fire certificate is in existence, or where there is an existing Fire Certificate but it does not specify a maximum capacity for the premises, a maximum capacity condition will be applied to all successful applications for all large venues such as night clubs and pubs with a capacity of more than 200 or where it is known the premises/ activities will attract large numbers to the premises and overcrowding is a genuine problem or where relevant representations have been made to the Licensing Authority. This will be done by consultation with the Fire Authority and reference to Technical Standards for Places of Public Entertainment.
- 13.5 The Licensing Authority acknowledges that the licensing function is not be used for the general control for the anti-social behaviour by individuals when they are beyond the direct control of the licensee and the vicinity of any premises concerned. However, as a matter of policy, the council expects every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and any anti-social behaviour by their patrons.
- 13.6 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- planning controls
  - ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
  - designation of parts of the Borough as places where alcohol may **not** be consumed publicly
  - regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
  - the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate
- 13.7 The Licensing Authority is currently addressing many of these issues through the Community Safety Partnership to create a safe and secure Stevenage, in line with the strategic objectives for crime and disorder reduction within the Borough.
- 13.8 The Licensing Authority shall also endeavour to work with other local authorities and other enforcement agencies, particularly in Hertfordshire and Bedfordshire, to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities throughout the county.
- 13.9 Operating Schedules for licensed premises licences are the key to ensuring compliance with the four licensing objectives.
- 13.10 In the vast majority of cases, the terms of the Operating Schedule should translate into the licence conditions that set out how the business will be run. The Licensing Authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area.

- 13.11 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the Council's licensing officers and the various responsible authorities at the earliest possible planning stages in order to reduce the risk of confusion and dispute arising.
- 13.12 The Licensing Authority will seek to impose the minimum conditions necessary on events and premises that present the lowest risk to public safety, particularly where such events are charitable in nature.
- 13.13 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.
- 13.14 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Licensing Authority may consider attaching Conditions drawn from the relevant Model Pools of Conditions set out in the Guidance under Section 182 of the Licensing Act 2003.  
[http://www.culture.gov.uk/alcohol\\_and\\_entertainment/default.htm](http://www.culture.gov.uk/alcohol_and_entertainment/default.htm)

## 14. Licensing Objectives

- 14.1.1 The following sections set out Stevenage Borough Council Licensing Policy relating specifically to each of the four licensing objectives.
- 14.1.2 All applicants will need to provide evidence to the Licensing Authority in respect of each of the four licensing objectives, information which is relevant to the individual style and characteristics of their premises and events. Existing licensed premises will only be required to supply such information when seeking a variation.
- 14.1.3 Special measures may be required occasional or for specific type of event such as when a popular live band or promotion are planned, which is intended, or likely to attract larger audiences or audiences of a different nature. These can often have a significant impact on the achievement of the licensing objectives. Reference should be made in the applicants operating schedule where applicable, to such occasions and the additional measures, which are planned to achieve the licensing objectives.

### 14.2. Prevention of crime and disorder.

- 14.2.1 The proximity of entertainment venues to residential and other premises is an issue requiring detailed assessment in order to minimise the potential for crime and disorder problems arising from patrons.
- 14.2.2 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can, to prevent crime and disorder in the Borough.
- 14.2.3. The Licensing Authority will consider attaching conditions to licences when representations are made, to deter and prevent crime and disorder both inside and within the immediate vicinity of the premises, these may include conditions drawn from the Model Pool of Conditions relating to Crime and Disorder or from the premises operating schedule.
- 14.2.4. In considering all licence applications, the Licensing Authority will take into account the adequacy of measures proposed to deal with the potential for crime and disorder,

having regard to all the circumstances of the application and when representations have been received.

The Licensing Authority will particularly consider:

- control over any areas other than the public highways.
- the steps taken or proposed to be taken, by the applicant to prevent crime and disorder.
- the use of special promotions.
- any known association with drug taking or dealing.
- any criminal record, including formal cautions, of the licensee or any person with a significant interest in the business.
- the giving of false or misleading information by the applicant in the operating schedule or verbally to Licensing Authority or other enforcement officers.
- the supply of alcohol for which the requisite excise duty has not been paid.

14.2.5. When addressing crime and disorder the applicant should identify any particular issues (particular to type of premises and /or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Any steps as identified issues should be included with the applicant's operating schedule.

### **14.3. Public Safety**

14.3.1 The Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets and takeaways.

14.3.2 Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

14.3.3 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues.

14.3.4 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 the duty holder of the statutory duty to comply with the requirements of other legislation. These include the Health and Safety at Work (etc) Act 1974, associated regulations, the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997. (To be replaced by the Regulatory Reform (Fire Safety) Order 2004) to undertake risk assessments. Duty holders 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. However, these regulations will not always cover the unique circumstances that arise in connection with licensing and entertainments at specific premises. It is in these cases that licence conditions will be used as appropriate.

14.3.5 The Licensing Authority will consider attaching Conditions to licences and permissions where representations have been made, in order to promote safety, these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety'. In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed to ensure public safety having regard to all the circumstances of the application.

14.3.6 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps to be taken to ensure public safety depending on the individual style and characteristics of the premises and/ or events.

The Licensing Authority will particularly consider:

- i. the arrangements for ensuring, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- ii. the provision of such information, instruction, training and supervision as is necessary to ensure health and safety;
- iii. the maintenance of premises in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;
- iv. the provision and maintenance of an environment that is safe and without risks to health.
- v. controlling the keeping and use of explosive or highly flammable or otherwise dangerous substances,
- vi. the provision of such means of escape in case of fire, and such means of fighting fire.
- vii. measures to prevent overcrowding
- viii. prior notification of special effects.

#### **14.4 Prevention of Nuisance**

14.4.1 The proximity of entertainment venues to residential and other premises is an issue requiring detailed assessment in order to minimise the potential for nuisances to people living, working or sleeping the vicinity of the premises.

14.4.2 The concerns mainly relate to noise nuisance, light pollution and noxious smells and due regard will be taken on the impact these may have and the Licensing Authority will expect Operating Schedules to satisfactorily address these issues. The Licensing Authority shall also take into account previous history of the premises.

14.4.3. The Licensing Authority may consider attaching Conditions to licences and permissions when relevant representations have been made, to prevent public nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance', or the premises operating schedule. When the licensable activities include the supply of alcohol, the council will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of each application.

The Licensing Authority will particularly consider:

- i. the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices and other noise amelioration measures.
- ii. the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. Such measures may include CCTV and the use of door supervisors within an

in the immediate vicinity of the premises. This will be of greater importance between 22.00 hrs and 07.00 hrs, than at other times of the day.

- iii the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
- iv the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly and orderly manner.
- v. the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents and other businesses.
- vi whether there is sufficient provision for public transport for patrons, including taxis and private hire vehicles.
- vii. whether licensed taxis or private hire vehicles are likely to disturb local residents.
- viii. the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as dwellings, residential homes, nursing homes, hospitals, hospices or places of worship.
- ix. the use of gardens, patios, forecourts and other open-air areas.
- x. delivery and collection arrangements, including proximity to noise sensitive premises and the time of such activities.
- xi. the siting of external lighting, including security lighting that is installed inappropriately.
- xii. the siting of any other equipment or facilities used in conjunction with the premises.
- xiii. whether activities on the premises would lead to increased refuse storage or disposal problems.
- xiv. whether activities on the premises would lead to additional litter, including fly posting and illegal placards in the vicinity of the premises
- xv. the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.
- xvi. the contribution the applicant makes or proposes to make towards the cost of CCTV surveillance, litter collection or associated street furniture.

## **14.5 Prevention of Harm to Children**

### **a) Access To Licensed Premises**

- 14.5.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 14.5.2 While the Act does not prohibit children from having free access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 14.5.3 The Licensing Authority will consult with the appropriate Hertfordshire Area Child Protection Committee on any application that indicates there may be concerns over access for children
- 14.5.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises when representations have been made.

The Licensing Authority will in particular consider:

- i. where there have been convictions for supply of alcohol to minors or premises with a reputation for underage drinking
  - ii. where there is a known association with drug taking or dealing
  - iii. where there is a strong element of gambling on the premises
  - iv. where entertainment of an adult or sexual nature is commonly provided
- 14.5.5 The Licensing Authority will consider any of the following options when dealing with a licence application following representations, limiting the access of children is considered necessary to prevent harm to children:
- i. limitations on the hours when children may be present.
  - ii. limitations on ages below 18.
  - iii. limitations or exclusion when certain activities are taking place.
  - iv. requirements for an accompanying adult.
  - v. full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 14.5.6. No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 14.5.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

#### **b) Access To Cinemas**

- 14.5.8 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror, violence or sexual nature that may be considered unsuitable for children within certain age groups.
- 14.5.9 In order to prevent children from seeing such films, the Council will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the BBFC, or by the Council.

#### **c) Children And Public Entertainment**

- 14.5.10 Many children go to see and/or take part in an entertainment arranged especially for them, for example dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.

- 14.5.11 Where a regulated entertainment is specially presented for children, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:
- an adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof.
  - no child, unless accompanied by an adult to be permitted in the front row of any balcony.
  - no standing to be permitted in any part of the auditorium during the performance unless an approved area has been agreed by the council.
  - such other measures as may be specified by the area child protection committee.
- 14.5.12 Where children are taking part in any regulated entertainment the Council will require the arrangements set out in the Health and Safety Guidance for Young People at Work to be implemented by organisers where children are involved.
- 14.5.13 The Council will expect Operating Schedules to satisfactorily address these issues.
- 14.5.14 The Council will consider attaching Conditions to licences and permissions to prevent harm to children, and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm.

## 15. Enforcement

- 15.1 Stevenage Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community on which business can fairly trade. The administration and enforcement is one part of this service. The Council has adopted the Central & Local Governments Concordat on Enforcement and best practice designed to ensure effective and efficient public protection services. The Council is committed to accord with the principles of good enforcement and practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Enforcement Policy.
- 15.2 The Enforcement Concordat is based on the principles that businesses should:
- Receive clear explanations from enforcers of what they need to do and by when
  - Have opportunities to resolve differences before enforcement action is taken – unless immediate action is needed
  - Receive an explanation of their rights of appeal.
- 15.3 This Enforcement Policy is freely available from the Council, as is this Policy and details of the Council's Complaints Procedure.
- 15.4 The Council works closely with Hertfordshire Police and Hertfordshire Fire & Rescue Service to establish protocols in providing for an efficient deployment of local authority staff and police / fire officers who may be engaged in enforcing licensing law and the inspection of licensed premises. This joint approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance with relevant conditions, as appropriate. Inspections will take place at the discretion of the Council and its partner agencies and resources will be concentrated on areas of need. Premises that are well managed and maintained shall



be on a graduated inspection and enforcement regime those premises which present a high risk shall be inspected more regular.

- 15.5 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. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this is achieved in accordance with the central and local government enforcement concordat.
- 15.6 Where representations are made to the council, the onus would be on those making the representations to provide evidence to support any objection, taking into account that the impact will be different for premises with different styles and characteristics.
- 15.7 The Council will consider the circumstances surrounding any breach of conditions or of any other legislation and may call for a full review before the Licensing and General Purposes Committee which may result in; modifying the conditions, exclude a licensable activity, remove the designated premises supervisor, suspend the licence or to revoke the licence.

## 16. Temporary Event Notices

- 16.1 Certain temporary event do not require a licence and can be notified to the Council by a Temporary Event Notice giving a minimum of 10 working days notice.
- 16.2 However, the size, location or timing of the some events may not allow sufficient time for organisers to carry out full and proper discussion on the possible crime and disorder, public nuisance and health and safety issues with the Licensing Authority, Police and other interested parties.
- 16.3. The Licensing Authority recommends that to ensure events occur with the minimum of risk, at least 28 days notice is given. Also some events may be more difficult to assess in advance and it is recommended that not less than 90 days notice is given.
- 16.4 The Licensing Authority and relevant authorities including representatives from the Police, Fire and Ambulance have set up a Safety Advisory Team (SAT) for the borough. The purpose of the team is to provide advice to the applicant on organisation and event safety, and to assist applicants with meeting the requirements of other legislation that protects local residents and businesses. Applicants giving notification to the Licensing Authority of a temporary event should have regard to the SAT advice.

## 17. Administration, Exercise and Delegation of Functions

- 17.1 A major principle 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.
- 17.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that the objectives are met and has arranged for its licensing functions to be discharged in accordance with the guidance issued by the Secretary of State. These arrangements are set out in the table at Appendix 1.
- 17.3 The power of the Licensing Authority under the Act may be carried out by the Council's Licensing Committee, or one or more officers acting under delegated authority.

- 17.4 The Licensing Committee will be made up of 13 members with a quorum of four who will hear any relevant representations from authorised persons, responsible authorities and interested parties in the form of a hearing.
- 17.5 Many of the decisions and functions are administrative in nature, including the grant of non-contentious applications, such as those licences and certificates where no representations have been made. All such matters will be delegated to Council Officers and reported for information, to the next committee meeting
- 17.6 This form of delegation is without prejudice to officers being able to refer an application to the committee, if considered appropriate in the circumstances of any particular case.
- 17.7 Whilst contested licensing applications are quasi judicial in nature the Committee will try to keep proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedures adopted by the Licensing Authority are designed to ensure that all parties are able to express their views openly and fairly. The Committee 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.
- 17.8 Whilst the Committee usually meets in public, it does have the power to hear certain applications in private. The Committee will, however, always reach its decision in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the Committee will be accompanied with clear, cogent reasons for the decision, having due regard to the Human Rights Act 1998, the four licensing objectives and all other relevant legislation.
- 17.9 The Committee will determine each case before it on its merits. However, in determining the application the Licensing Committee, will consider:
- The case and evidence presented by all parties.
  - The promotion of the four licensing objectives.
  - Guidance by central Government
  - The Licensing Authority's own Statement of Licensing Policy.
- 17.10 Where the Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure those conditions are focused on the activities taking place at the premises, on members of the public, living working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.
- 17.11 The Licensing Authority is developing an electronic system to meet with the requirements of e-government to provide for premises licences applications to be made via the Council's web site. The objective is that all applications will be made on line in order to reduce the need for double entry of data.
- 17.12 It is proposed that applications may be made via a computer terminal in the Customer Service Centre if the applicant does not have their own access to the internet.

## 18. Consultation

- 18.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function.

- 18.2. A full list of consultees is attached at appendix 2.
- 18.3 Proper weight will be given to the views of all the persons/bodies consulted before this Policy Statement takes effect on the first appointed date 7 February 2005 and it will remain in force for a period of not more than 3 years and will be subject to review after 18 months and further consultation prior to 1<sup>st</sup> July 2007.

## 19. Licensing and other legislation

- 19.1 Operators of licensed premises will have to comply with planning, environmental health, fire safety, licensing, trading standards and building control legislation when opening or adapting licensed premises.
- 19.2 The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.
- 19.3 This overlap will principally apply to fire safety training, fire-fighting and detection equipment, means of escape and the safety of fixed electrical installations.

## 20. Fire Authority inspections

- 20.1 Subsequent inspections of all premises will be conducted on a risk-assessment basis, save for registered members' clubs that will be expected to produce fire risk assessments that are continually reviewed.
- 20.2 During the course of its inspections, the council will refer to the fire authority any circumstance it finds that appears to it to be a contravention of fire safety legislation enforced by the fire authority.

## 21. Applications for Personal Licence.

- 21.1 The four licensing objectives apply to the considerations for an application for personal licences.
- 21.2 Persons seeking a new personal licence during the transitional period will have to meet the qualifications as notified to the Licensing Authority by the Secretary of State.
- 21.3 In the case of an application for a personal licence under Part 6 of the Act the requirements set out in the Act shall be required.
- 21.4 Any individual may apply for a personal licence whether or not he is currently employed or has business interests associated with the licence use.

### **a) Criminal record.**

- 21.5 Applicants with unspent criminal convictions for relevant offences set out in the Act are encouraged to discuss their intended application with the police and Council licensing officers before making an application. The Licensing Authority and police may arrange to hold interview(s) with prospective personal licence holders to discuss the circumstances surrounding the conviction.

21.6 Applicants may bring with them supporting evidence, character references or representations to the meeting(s).

#### **b) Licensing qualifications**

21.7 Details of licensing qualifications currently accredited by the Secretary of State will be notified to licensing authorities.

21.8 The personal licence is intended to be valid for ten years. Any changes of name, address or any convictions for relevant offences shall be notified to the Licensing Authority without delay.

#### **c) Designated premises supervisors**

21.9 A personal licence is required by individuals who may be engaged in making and authorising the sale or supply of alcohol. Not every person retailing alcohol at a premises licensed for that purpose needs to hold a personal licence.

21.10 Consultation with the police will always be arranged when they are minded to object to the transfer of a designated premises supervisor on the grounds that such a transfer may undermine the crime prevention objective.

### **22. Provisional Licences**

22.1 Where the Licensing Justices have granted a provisional licence, the Licensing Authority must have regard to the provisional grant when determining the application for a premises licence.

### **23 Inspection of Premises.**

23.1 The licensing authority will inspect every premises that it has not previously licensed, to secure compliance with the licensing objectives and this policy. It will also inspect every premise on receipt of an application to vary the premises licence, save where only a minor change is being proposed (eg extension of the length of a bar). Officers will determine on a case to case basis which applications require an inspection, and will arrange for such inspections to occur with the applicant.

23.2 In order to evaluate premises for risk, officers will take account of other authorities risk assessments where they identify areas of risk to members of staff and the public.

23.3 They will also take account of the type of activities taking place at the premises these will include special effects, sale of alcohol, children's entertainments, where the premises provide dance facilities between the hours from midnight to 6.00am, film exhibition, theatre performance and entertainment of an adult nature.

23.4 Other factors which affect the frequency of inspection include:

- refusal to participate in schemes such as Pub Watch,
- where the activities and use of a premises leads to a high number of accidents being reported either due to excessive alcohol consumption or the design layout of the premises.

- the structure of the building where it has a large occupancy number over 500 persons and large open rooms,
- where the building has been adapted over time and would not meet current building regulations, minimum standard of emergency lighting, escape routes are circuitous or narrow.
- Where premises are in mainly or surrounded by residential properties.
- When the premises history indicates poor management related to crowd control, disorderly behaviour or public nuisance factors.
- Where monitoring inspections have identified failures to comply with licence conditions or inadequately complied with or significant hazards are present and cannot be readily mitigated by remedial action.
- where the premises are targeted for specific activities and interest such as events for young people between the ages of 14-17 or events such as hen and stag parties

23.5 All premises will be risk-rated and will be inspected on the following basis:

<b>Risk Status</b>	<b>Inspection and Monitoring</b>
High. 500 plus capacity. And any of the above.	Inspection of premises every 6 months  Monitoring inspection during operating hours every 6 months
Medium. 200 but not more than 499 capacity. And or any of the above	Inspection of premises once a year  Monitoring during operating hours once a year
Low. 100 to 200 capacity and or any of the above	Inspection of premises every 18 months.  Monitoring inspection during operating hours at three yearly intervals.
Very Low. Less than 100 capacity. No significant hazards present.	Inspection of premises every two years

23.6 The licensing authority may carry out additional inspections where complaints have been received from Police, Fire Authority, other agencies, members of the public or where information has been received that a breach of licence may occur.

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<b>MATTER TO BE DEALT WITH</b>	<b>COMMITTEE</b>	<b>OFFICERS</b>
Initial and three yearly review of licensing policy	Recommend policy to Council	
Application for personal licence	If a police objection Made	If no objection made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises Certificate	If a representation made	If no representation made
Application for provisional statement	If a representation Made	If no representation made
Application to vary premises licence/club premises Certificate	If a representation made	If no representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Application for Interim Authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	

**List of Consultees**

<b>Name</b>	<b>Organisation</b>
Mr M Griffin - Director	14-19 Pathfinder Group
Margret Sullivan - Chairperson	Arriva
John Harris - Director	Age Concern
	Children Schools and Families (HCC)
	Arts Council England
	Association of Licensed Multiple Retailers.
	Beer & Pub Association
Mrs M Hurlle	Citizens Advice Bureau
Sally Flint	Community \Safety Team
Centre Manager	Connexions Hertfordshire
Mr J Brown	CTC - the national cyclists' organisation
Richard Beazley - Chairman	East & North Herts NHS Trust
Mr Steve Seaber - Chief Fire Officer	Hertfordshire Fire and Rescue
Barbara Follett	Stevenage Labour Party
The Committee	FOSTA
Chief Executive	GlaxoSmithKline
Steve Harvey - Executive Director	Groundwork Hertfordshire
Ann Waterfield - Chief Executive	Hertfordshire Action on Disability
Dr D Harris - Chief Executive	Hertfordshire Business Incubation Centre
Tim Hutchings - Chief Executive	Hertfordshire Chamber of Commerce & Industry
Gary Kitchin - Chief Superintendent	Hertfordshire Police
Caroline Tapster - Chief Executive	Hertfordshire County Council
Mrs Aline Odell - Executive Director	
Lif Bishop	Homestart
Nina Constantinides - Centre Manager	Job Centre Plus
Andy Smith	Mitchells and Butlers
Angela Clark	Neighbourhood Watch Forum
Roger Gouchin - Principle	North Hertfordshire College
	North Herts and Stevenage Primary Care Trust (NHS)
Gillian Hooper - Chief Executive	Relate
Shelia Taylor - Centre Manager	Ridgmond Training and Conference Centre
Caroline Collins - Chief Executive	Spirit Group.
Omar Ismail - Chair	Stevenage & District Trades Council
Peter Bandy – Head of Planning & Dev	Stevenage Borough Council
Martin Fitch - Planning Mgr	Stevenage Borough Council
Steve Polfreman - Building Control Mgr	Stevenage Borough Council
Denzil Olton - Chairman	Stevenage Caribbean & African Association
Ian Morton - Managing Director	Stevenage Leisure Limited
Graham Bowles - Chairman	Stevenage Sports Council
Sherma Batson - Chair	Stevenage World Forum for Ethnic Communities
Natalie Mellowship - Chair	Stevenage Youth Council
Carol Taylor - Child Protection Unit	Hertfordshire County Council
Neighbouring Local Authorities.	
	Wagon

## **GLOSSARY**

### **Pub Watch Scheme**

This is a community based crime prevention scheme. It is organised by licensees themselves to afford each other confidence and support, as well as protection. The scheme, at its simplest, is a message passing link between licensed premises, the object of which is to combat violence, and other criminal conduct. It allows better communication between licensees and the police and provides a forum for the discussion and solution of problems relating to violence.

### **Operating schedule**

This should ideally contain a general description of the style and character of the business to be conducted on the premises (e.g. a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers) and must set out the following details:

- The licensable activities to be conducted on the premises;
- The times which it is proposed that the relevant licensable activities are to take place;
- Any other times when the premises are open to the public or to members of a club;
- Where the licence is required for only a limited period, that period,
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor and a copy of his or her personal licence;
- Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to take to promote the licensing objectives.

Applicants may seek advice from the Council's Environmental Health Division, other appropriate enforcement agency or other independent sources, which may help them to make a successful application.

### **Area Child Protection Committee**

Hertfordshire County Council  
Children Schools and Families  
County Hall  
Pegs Lane  
Hertford  
SG13 8DF

### **BBFC**

The British Board of Film Censors.

### **Reference Material**

Guidance issued under section 182 of the Licensing Act 2003.  
Technical Standards for Places of Entertainment.  
The Event Safety Guide. HSG 195.