

Summary Table of Changes

| Page | Amended Licensing policy | Page | Current licensing policy |
|------|--|------|---|
| p4 | Executive Summary Extract from current Purpose and Scope of the Licensing Policy, paragraphs 1 to 4 | p4 | Paragraphs 1.1.1 to 1.3 of current policy |
| p5 | Purpose and Scope of the Licensing Policy Para. 1.2 Before the licensing authority determines its policy for any five year period, its 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. Hertfordshire Fire and Rescue services; c. Hertfordshire Trading Standards; d. Hertfordshire Local Safeguarding Children's Board; e. Stevenage SoSafe Partnership; f. Persons/bodies representative of local holders of premises licences; g. Persons/bodies representative of local holders of club premises certificates; h. Persons/bodies representative of local holders personal licences; i. Persons/bodies representative of business and residents in the borough. | p4 | Purpose and Scope of the Licensing Policy Para. 1.5 1.5. Before the licensing authority determines its policy for any three year period, its 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. |
| p5 | Purpose and Scope of the Licensing Policy 1.3 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 for these activities between the hours of 11pm to 5am for audiences of any size will not, therefore, discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives. | p4 | Purpose and Scope of the Licensing Policy 1.6. 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. |
| p5 | Purpose and Scope of the Licensing Policy The specific activities which require a licence under the provisions of the Act and which are covered in the policy statement include: <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">o a theatrical performanceo a film exhibitiono any indoor sporting event including boxing or wrestlingo the performance of live musico the playing of recorded musico a 'dance' performanceo the provision of facilities for dancing or for making musico and/or entertainment of a similar nature such as karaoke; between the hours of 23:00 – 08:00hrs the following morning (as amended by the Live Music Act 2012), or for audiences above 200 (expected to change in 2014 to 500) at any time.• The supply of any hot food or drink between 23:00 and 05:00 hours. | p5 | Purpose and Scope of the Licensing Policy 1.7. The specific activities which require a licence under the provisions of the Act and which are covered in the policy statement include: <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">o a theatrical performanceo a film exhibitiono any indoor sporting event including boxing or wrestlingo the performance of live musico the playing of recorded musico a 'dance' performanceo the provision of facilities for dancing or for making musico 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. |
| p6 | NEW The Police Reform & Social Responsibility Act 2011 introduced for the first time provisions that the Licensing Authority can itself make representations towards an application to grant, or vary a premises licence, or club premises certificate. Stevenage Borough Council as the Licensing Authority will only make representations in examples say where there have been a number of minor, unconnected complaints that in themselves, do not require another responsible authority to make a representation, but when considered together, may constitute a public nuisance or represent breaches of licensing conditions as observed say by Licensing Officers, which have then under minded the licensing objectives. | | NA - new insertion in draft policy |
| p6 | NEW Duplication 2.1 The Licensing Authority will avoid duplication with other statutory and regulatory regimes, and the control measures that they afford in any conditions derived from an applications operating schedule, for provisions contained in the following: (a) The Gambling Act 2005 (b) The Environmental Protection Act 1990 (c) The Noise Act 1986 (d) The Clean Neighbourhoods and Environmental Act 2005 (e) The Regulatory Reform (Fire Safety) Order 2005 (f) Health and Safety (First-Aid) Regulations 1981 (g) The Equality Act 2010 | | NA - new insertion in draft policy |
| p7 | Policies, Strategies & Partnership Working The licensing authority will continue to promote and work in partnership with the nominated responsible authorities, the Police and Crime Commissioner, Directors of Public Health, and our partners within the Community Safety Partnership to discharge its responsibilities identified by other Government and local strategies and initiatives, where they impact on the objectives of the Licensing Act. National strategies and initiatives are; <ul style="list-style-type: none">• Stevenage PubWatch Scheme• Alcohol Harm Reduction Strategy• Tackling Drugs to build a Better Britain• Action plan to Tackle Alcohol Related Crime through local initiatives such as Family Intervention Project (FIP), No More Project as examples. | p6 | 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 Licensing Act. National strategies and initiatives are; <ul style="list-style-type: none">• Stevenage PubWatch Scheme• Alcohol Harm Reduction Strategy• Tackling Drugs to build a Better Britain• Action plan to Tackle Alcohol Related Crime |
| p7 | Policies, Strategies & Partnership Working The licensing authority will consider each application on its own merits, but may make reference to other adopted Council policies including; <ul style="list-style-type: none">• The Council's Corporate Plan (2013 – 2018)• So Stevenage (Safer Stronger Communities)• Community Safety Operational Development Group's Action Plan• Crime and Disorder Strategies• Enforcement Concordat.• Arts and Heritage Strategy. | p6 | Policies, Strategies & Initiatives 2.2. The licensing authority will consider each application on its own merits, but may make reference to other adopted Council policies including; <ul style="list-style-type: none">• Community Safety Action Plan• Crime and Disorder Strategies• Enforcement Concordat.• Arts and Heritage Strategy. |

Summary Table of Changes

| Page | Amended Licensing policy | Page | Current licensing policy |
|-------|--|------|---|
| p7 | <p>Policies, Strategies & Partnership Working</p> <p>Stevenage PubWatch has been developed to enhance the safety, security, comfort and well being of customers and staff for all types of premises that form its membership. The licensing authority will take an active part in the scheme and will actively work with all licence holders to promote Stevenage as being a safe and vibrant place. A Voluntary Code of Practice in respect of discounting of alcoholic drinks and responsible drinking campaigns</p> | p6 | <p>Policies, Strategies & Initiatives</p> <p>2.3. Stevenage PubWatch has been developed to enhance the safety, security, comfort and well being of customers and staff for all types of premises. 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</p> |
| p7 | <p>Policies, Strategies & Partnership Working</p> <p>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 Borough, namely Validate and other PASS schemes in conjunction with our partners at Trading Standards.</p> | p6 | <p>Policies, Strategies & Initiatives</p> <p>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 Borough</p> |
| p 7/8 | <p>NEW</p> <p>Live Music Act</p> <p>4.1 The Live Music Act came into force on the 1st October 2012, and is designed to encourage more performances of live music. The Act removes the licensing requirements for;</p> <p>(a) Amplified live music between 8am and 11pm before audiences of not more than 200 people on the premises authorised to sell alcohol for consumption on the premises. It is anticipated that this figure will be adjusted by way of The Licensing Act 2003 (Descriptions of entertainment) (Amendment) Order 2013 to audiences of not more than 500 people. Licensing will continue to monitor these provisions and its provisions therein with regards to premises capacities.</p> <p>(b) Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).</p> <p>(c) Unamplified live music between 8am and 11pm in all venues.</p> <p>(d) The provision of entertainment facilities.</p> <p>4.2 Where licensable activities continue to take place on premises any licence conditions relating to live music will be suspended, but it will be</p> | | NA - new insertion in draft policy |
| p8 | <p>NEW</p> <p>The Licensing Authority as a Responsible Authority</p> <p>5.1 Licensing Authorities are now included within the prescribed list of Responsible Authorities for the Licensing Act 2003.</p> <p>5.2 As a responsible authority, we will not make representations on behalf of other parties such as residents, local councillors or local community groups, as they are already afforded with the provisions of being able to make representations as to licensing applications.</p> <p>5.3 The only time that we, as a licensing authority, shall depart from the above is in circumstances whereby any of the above parties have not afforded their opportunity to make representations, and we as the licensing authority are aware of there being relevant grounds on which a representation should be submitted.</p> <p>5.4 In this instance, the representation will be submitted by an officer who has the approved delegation, and has not been a part of the administrative process of the application in concern.</p> | | NA - new insertion in draft policy |
| p8 | <p>NEW</p> <p>Health as a Responsible Authority</p> <p>6.1 Primary care trusts (and first tier local authority Directors of Public Health) are now detailed as a responsible authority under the Licensing Act 2003.</p> <p>6.2 Licensing will work with our partners through the forum Operational Development Group (ODG) with the development of evidential data as to alcohol-related health matters across the borough of Stevenage.</p> | | NA - new insertion in draft policy |
| p8 | <p>NEW</p> <p>Responsible Authorities</p> <p>7.1 Full details of all of the responsible authorities, as prescribed under the Licensing Act 2003 are available from the Licensing Department, and will also be available on the Council's web-site.</p> | | NA - new insertion in draft policy |
| p9 | <p>Culture, Live Music, Dancing and Theatre</p> <p>8.3 We will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing between the hours of 23:00 – 08:00hrs and for indoor sporting events, as outlined in supporting regulation to the Licensing Act, which maybe varied in the future. If there is evidence that licensing requirements deter such activities, we will consider how to prevent it, and if necessary will change this Policy.</p> | p7 | <p>Culture, Live Music, Dancing and Theatre</p> <p>3.3. We will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, we will consider how to prevent it, and if necessary will change this Policy.</p> |
| p9 | <p>Culture, Live Music, Dancing and Theatre</p> <p>8.5 The Council has sought in its own name premises licences for appropriate public spaces within the Borough. There are such licences in place for Fairlands Valley Park and King George V Playing Fields. Further licences may be sought in the Council's name; for the current position, please check the website address referenced in paragraph 1.3. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities with our colleagues in Parks and Landscapes, and all such events will be notified to our Safety Advisory Team members.</p> | p7 | <p>Culture, Live Music, Dancing and Theatre</p> <p>3.5. The Council has sought in its own name premises licences for appropriate public spaces within the Borough. There are such licences in place for Fairlands Valley Park and King George V Playing Fields. Further licences may be sought in the Council's name; for the current position, please check the website address referenced in paragraph 1.3. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities.</p> |
| p10 | <p>9. Circuses</p> <p>The Licensing Authority has taken note as to guidance provided by Central Government as to licensing provisions for circuses. recognises that some uncertainty exists as to whether circuses fall within the remit of the Licensing Act 2003.</p> <p>Should a circus wish to sell alcohol, or provide late night refreshment, it would be necessary for the event organiser to apply for the relevant permissions in accordance with the Licensing Act 2003, and to also seek permission before applying for such provisions from the land owner/managing agent.</p> <p>The Licensing Authority has a licence in place for the area known as Fairlands Valley, where historically, circuses have held performances. Any person wishing to hold a circus in this area would need to obtain permission from the premises licence holder (Stevenage Leisure Limited), and would be required to comply with the conditions of the licence for this area.</p> | p8 | <p>Circuses</p> <p>3.9. The Licensing Authority recognises that some uncertainty exists as to whether circuses fall within the remit of the Licensing Act 2003.</p> <p>Should a circus wish to sell alcohol, or provide late night refreshment, it would be necessary for the event organiser to apply for the relevant permissions in accordance with the Licensing Act 2003.</p> <p>The Licensing Authority has a licence in place for the area known as Fairlands Valley, where historically, circuses have held performances. Any person wishing to hold a circus in this area would need to obtain permission from the premises licence holder (Stevenage Leisure Limited), and would be required to comply with the conditions of the licence for this area.</p> |

Summary Table of Changes

| Page | Amended Licensing policy | Page | Current licensing policy |
|-------------|--|-------------|--|
| p11 | <p>Cumulative Impact, Special Policies and EMROs 10.2 Representations as to cumulative impact may be received from a responsible authority or an 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.</p> | p9 | <p>Cumulative Impact and Special Policies 4.2. 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.</p> |
| p11 | <p>Cumulative Impact, Special Policies and EMROs 10.6 The licensing authority will review any such policies described in the above paragraph, every three five years, or sooner if required, to see whether they have had the effect intended, and whether they are still needed.</p> | p9 | <p>Cumulative Impact and Special Policies 4.6. The licensing authority will review any such policies described in the above paragraph, every three years to see whether they have had the effect intended, and whether they are still needed.</p> |
| p11 | <p>Cumulative Impact, Special Policies and EMROs 10.10 The licensing authority will expect Operating Schedules accompanying applications for a new, or variation of an existing licence, to satisfactorily address these issues.</p> | p9 | <p>Cumulative Impact and Special Policies 4.10. The licensing authority will expect Operating Schedules to satisfactorily address these issues.</p> |
| p12 | <p>Cumulative Impact, Special Policies and EMROs 10.11 The provisions for Licensing Authorities to introduce an EMRO are specified in sections 172A – 172E of the Licensing Act 2003, as amended by section 119 of the Police Reform and Social Responsibility Act 2011.</p> <p>10.12 These provisions have afforded licensing authorities the discretion to restrict the retail sale or supply of alcohol through the introduction of an EMRO as a means to tackle high levels of alcohol related crime and disorder, nuisance or anti-social behaviour.</p> <p>10.13 An EMRO can apply to the whole of, or part of the Borough, and can be specific to certain days as well as times on the given days. The Licensing Authority has to be satisfied that such an order is appropriate so as to enable to promotion of the four licensing objectives.</p> <p>10.14 An exception to this being New Years Eve, and the provision of alcohol to residents in premises with overnight accommodation by way of a mini bar in a room, or room service.</p> <p>10.15 An EMRO cannot be considered unless it has been evidentially proven to be necessary. Any future consideration as to EMROs will follow the adoption provisions as outlined in the section 182 guidance.</p> | | NA - new insertion in draft policy |
| p12 & 13 | <p>NEW 11 Late Night Levy</p> <p>11.1 The legislative provisions relating to the late night levy are not a part of the Licensing Act 2003, but are contained in sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. These provisions came into affect on the 31 October 2012.</p> <p>11.2 Regulations have been introduced setting out the way in which the levy, if introduced, must be applied and administered. These regulations also outline arrangements for expenses, exemptions and reductions.</p> <p>11.3 Guidance has also been produced by the Home Office as to the following:</p> <p>11.3.1 Process for implementing the levy and the consultation process that should be undertaken for this;</p> <p>11.3.2 The design of the levy;</p> <p>11.3.3 Exemptions from the levy;</p> <p>11.3.4 Reductions in the levy charge;</p> <p>11.3.5 How revenue raised from the levy can be allocated and spent;</p> <p>11.3.6 The levy charges; and</p> <p>11.3.7 The levy collection process.</p> <p>11.4 With regards to exemptions, the licensing authority will have an element of discretion as to whether they will exempt certain premises from</p> | | NA - new insertion in draft policy |
| p14 | <p>Representations 13.1 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, Councillors, Community Groups 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.</p> | p11 | <p>Representations 6.1. 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.</p> |
| p14 | <p>Conditions 14.4 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 in the vicinity of their premises.</p> | p11 | <p>Licence Conditions 7.4. 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.</p> |
| p15 | <p>Conditions 14.6 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, through initiatives such as the No More Project and Family Intervention Project, Box Cleva as local examples.</p> | p11 | <p>Licence Conditions 7.6. 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.</p> |
| p15 | <p>Conditions 14.8 Operating Schedules for licensed premises and club premises licences are the key to ensuring compliance with the four licensing objectives.</p> | p12 | <p>Licence Conditions 7.8. Operating Schedules for licensed premises licences are the key to ensuring compliance with the four licensing objectives.</p> |
| p15 | <p>Conditions NEW 14.13 In this instance, conditions attached to either a premises licence or a club premises certificate will be:</p> <p>14.13.1 clear 14.13.2 enforceable 14.13.3 evidenced 14.13.4 proportionate 14.13.5 relevant 14.13.6 be expressed in plain language capable of being understood by those expected to comply with them.</p> <p>14.14 Conditions can only be attached to a premises licence or a club premises certificate if they are so applied at a licensing hearing, unless the authority, the premises user and the relevant responsible authority all agree that a hearing is not necessary.</p> | | NA - new insertion in draft policy |

Summary Table of Changes

| Page | Amended Licensing policy | Page | Current licensing policy |
|----------|---|------|---|
| p16 | <p>Mandatory Conditions</p> <p>The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 SI 2010/860 introduced new mandatory conditions as part of a revision to s.19 of the Act that takes effect from the 6th April 2010 and 1st October 2010 respectfully. The Council will not be re-issuing all existing licences so as to include these conditions as the s.182 Guidance has confirmed at Para 10.53 that this is not necessary.</p> | p12 | <p>Mandatory Conditions</p> <p>7.14. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 SI 2010/860 introduced new mandatory conditions as part of a revision to s.19 of the Act that takes effect from the 6th April 2010 and 1st October 2010 respectfully. The Council will not be re-issuing all existing licences so as to include these conditions as the s.182 Guidance has confirmed at para 10.53 that this is not necessary.</p> |
| p20 | <p>Protection of Children from Harm</p> <p>15.5.2 While the Act does not prohibit children under 16 from having free access to any licensed premises, save for when the premises are being used exclusively or primarily for the supply of alcohol for consumption on the premise under the authorisation of either a premises licence, a club premises certificate or a temporary events notice unless accompanied by an adult, or between the hours of midnight to 5:00am unaccompanied the licensing authority recognises that limitations may have to be considered where it appears necessary to protect and prevent children from experiencing physical, moral or psychological children from harm.</p> | p17 | <p>Protection of Children from Harm</p> <p>8.5.2. While the Act does not prohibit children from having free access to any licensed premises, the licensing authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.</p> |
| p20 | <p>Protection of Children from Harm</p> <p>15.5.5 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:</p> <p>(i) limitations on the hours when children may be present. (ii) limitations on ages below 16 and/or 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.</p> | p17 | <p>Protection of Children from Harm</p> <p>8.5.5. 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:</p> <p>(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.</p> |
| p21 | <p>Enforcement</p> <p>16.1 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.</p> <p>16.2 The Council will have regard also to the Regulators Compliance Code and the Enforcement Concordat (see http://www.bis.gov.uk/assets/brdo/docs/publications-2008/08-1564-applying-the-rcc.pdf for more details). has adopted the Central & Local Governments Concordat on Enforcement and best practice designed to ensure effective and efficient public protection services.</p> | | <p>Enforcement</p> <p>9.1. 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.</p> |
| p22 | <p>Enforcement NEW</p> <p>16.4 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 also by its own Enforcement Policy.</p> | | NA - new insertion in draft policy |
| p23 | <p>Reviews</p> <p>17.1 An interested party, a body representative or a local Counsellor as defined in the Licensing Act 2003, and/or responsible authority have the power to seek a review of either a premises licence or club premises certificate, using the prescribed application form, if they are of the opinion that one or more of the licensing objectives are not being met by the licence holder.</p> | p21 | <p>Reviews</p> <p>10.1. An interested party, as defined in the Licensing Act 2003, and/or responsible authority have the power to seek a review of either a premises licence or club premises certificate, using the prescribed application form, if they are of the opinion that one or more of the licensing objectives are not being met by the licence holder.</p> |
| p23 | <p>Reviews NEW</p> <p>17.2 The Home Office have produced a fact sheet to assist local residents when considering making a representation:</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachments-data/fiel/118372/advice-local-residents.pdf</p> | | NA - new insertion in draft policy |
| p24 | <p>Reviews NEW</p> <p>17.5 In instances where the crime prevention objective is being undermined, revocation even in the instance of this being a first review of the premises licence, or club premises certificate, will be given serious consideration. See also here R on the application of Bassetlaw DC v Worksop Magistrates Court.</p> | | NA - new insertion in draft policy |
| p24 & 25 | <p>Licensing Suspensions NEW</p> <p>18.1 This is a new provision that was brought in as part of the amendments to the Licensing Act 2003 brought about by the Police Reform and Social Responsibility Act 2011.</p> <p>18.2 The Act now requires that the Council must suspend premises licences or club premises certificates on the non-payment of the annual fee when it is due.</p> <p>18.3 The suspension of either a premises licence or club premises certificate is not immediate if the payment was not made before, or at the time that it was due, either as a result of their being an administrative error, or where the holder raised a dispute as to their liability to pay the fee on or before the due date. In these instances, there is a grace period of 21 days.</p> <p>18.4 The period of 21 days exists so as to allow for resolution as to a dispute, or as a result of an error.</p> <p>18.5 Should the disputed error not be resolved following the end of the 21 day period, the licence will then be suspended.</p> <p>18.6 In all instances of suspension, the licensing authority will write to the licence holder to advise of the suspension, the correspondence of</p> | | |
| p25 | <p>Temporary Event Notices NEW</p> <p>19.1 The process of temporary event notices is designed to be a light touch process, and as such, the carrying out of any of the licensable activities does not have to be authorised by the licensing authority on an application, instead, the applicant serves notice to the required agencies.</p> | | NA - new insertion in draft policy |

Summary Table of Changes

| Page | Amended Licensing policy | Page | Current licensing policy |
|--------|---|------|--|
| p25 | <p>Temporary Event Notices NEW</p> <p>19.3 Premises users are now permitted under the Act a limited number of late temporary event notices. A late TENs is a notice given not before nine and no later than five working days before the event date.</p> <p>19.4 Late TENs were designed to assist premises users who are require, for reasons beyond their control, to still serve a notice of intent for their event to the required authorities.</p> <p>19.5 Applicants in the instance of a late notice need to be aware that, should an objection be raised by either the Police or Environmental Health with regard to any of the four licensing objectives, the event cannot go ahead.</p> | | NA - new insertion in draft policy |
| p 25 | <p>Temporary Event Notices</p> <p>19.6 However, Some events size, location or timing of the event may not allow sufficient time for organisers to carry out full and proper discussions on the possible crime and disorder, public nuisance and health and safety issues with the licensing authority, Police and other interested parties or body representatives.</p> | p22 | <p>Temporary Event Notices</p> <p>11.2. However, some events size, location or timing of the event 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.</p> |
| p26 | <p>Sexual Entertainment NEW</p> <p>20.1 Stevenage Borough Council has adopted the provisions under the Local Government (Miscellaneous Provisions) Act 1982, schedule 3 for the licensing of sex shops, cinemas and sexual entertainment venues, as amended</p> <p>20.2 Premises seeking to provide regulated entertainment at their premises that will commonly of an adult nature should consult with the licensing authority in the first instance as to whether separate permission will be required.</p> <p>20.3 In summary, premises seeking to provide sexual entertainment such as lap-dancing or like activity more frequently than 11 times a year, and more than one occasion per month will need to ensure that they have the appropriate permission(s) for these activities from the Licensing Authority in accordance with the Local Government (Miscellaneous Provisions) Act 1982, as well as those in accordance with the Licensing Act 2003.</p> <p>20.4 Should an application for a sexual entertainment venue be required under the Local Government (Miscellaneous Provisions) Act 1982, and relevant representations received as to this, consideration will be given as to the grant of any additional licence where the premises in question are in the vicinity of:</p> <ul style="list-style-type: none"> · Residential Housing; · Schools; · Play areas; · Children’s nurseries or pre-school facilities; · Places of religious worship or education; · Historic buildings; · Tourist attractions; · Predominantly family shopping areas; · Community facilities or public buildings e.g. youth clubs, libraries, sports centres. <p>20.5 In so far as it relates to the licensing objectives, and taking into account location, the licensing authority may determine the nature of any external signage for the premises seeking to provide the adult entertainment.</p> <p>20.6 The licensing authority will also expect that the entertainment occurring on the premises should only be visible to those who have chosen to visit and enter the premise, irrespective of its location in the Borough.</p> <p>20.7 The licensing authority is keen to ensure that any premises looking to provide any such entertainment of an adult nature is proactive in its operations to promote the licensing objective “Protection of Children from Harm”, and will expect operating schedules to address this very matter by giving consideration to conditions as to entrance policy, security measures for staff and customers alike, staff training and management policies so as to ensure that this, and the remaining three licensing objectives are fully promoted.</p> | | NA - new insertion in draft policy |
| p27 | <p>Administration, Exercise and Delegation of Functions NEW</p> <p>21.6 In support of the table of delegation as at appendix 1, delegation to officers for the following has also been provided:</p> <p>21.6.1 power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fee</p> <p>21.6.2 power to specify the date on which suspension takes effect. This will be a minimum of 2 working days</p> <p>21.6.3 power to impose existing conditions on a premises licence, club premises certificate and Temporary Event Notice where all parties agree that a hearing is unnecessary (see S.106A LA2003)</p> <p>21.6.4 power to make representations as a responsible authority.</p> | | NA - new insertion in draft policy |
| p30 | <p>Equal Opportunities Race Equality</p> <p>24.7 The Race Relations Act, as amended by the Race Relations (Amendment) Act 2000 Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics, and to promote equality of opportunity and good relations between persons of different racial groups. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> | p26 | <p>Equal Opportunities Race Equality</p> <p>15.2. 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.</p> |
| p30 | <p>Equal Opportunities Race Equality NEW</p> <p>24.9 Further guidance as to this matter is available from the Government Equalities Office and the Equality and Human Rights Commission.</p> | | |
| p31 | <p>Appendix 1 Table of Delegations</p> | | |
| p32 | <p>Annex 1 Other Policies, legislation, case law and guidance source</p> | | |
| p33 | <p>Guidance documents</p> | | |
| p34/35 | <p>Useful reference (organisations)</p> | | |