

Stevenage

BOROUGH COUNCIL



LICENSING ACT 2003

LICENSING POLICY 2020-2025

For the period [dates]
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Executive Summary

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 event 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.

It is intended that this policy will be used by a wide range of people within the Borough, including organisations which require authorisations under the Act, residents and others who may be affected by their activities, and by the statutory bodies with responsibilities under the Act. The policy sets out the general approach to making licensing decisions. It does not prevent any individual from making any application, under the terms of the Act, and having that application considered on its individual merits, nor does it override the right of any person to make representations on an application or to seek a review of a licence or certificate where the Act allows them to do so.

The Act requires the Licensing Authority to prepare and publish its licensing policy every five years following consultation. The Licensing Authority will keep the policy under review and may make such revisions to it as it considers appropriate, so as to ensure that the licensing objectives continue to be met.

Stevenage Borough Council is situated in the County of Hertfordshire, which contains ten District Councils in total. Stevenage was designated as Britain's first new town in 1946 and the Council area has a population estimated to reach 89,000 during 2019 making it the smallest in the County in terms of population. In terms of area it is also the smallest, covering approximately 20 square miles and is surrounded by the districts of North Hertfordshire and East Hertfordshire. Set in the attractive countryside of north Hertfordshire; Stevenage is an urban authority, enjoying the amenities of a well-planned new town together with a history dating back to Roman times. The town is divided into distinct land use areas, the town centre, Old Town and railway station are the core of the town. They are surrounded by individual residential neighbourhoods containing around 38,000 homes. Local neighbourhood centres provide shops and community facilities for residents.

1. Purpose and Scope of the Licensing Policy

- 1.1 The purpose of this policy is to set out the approach that the Licensing Authority intends to take when determining applications and carrying out its duties with regard to regulation and enforcement. The policy does not seek to fully explain the various application processes, however guidance and advice on making an application or requesting a review of a licence is available from the Licensing Authority on request. Applicants and members of the public are advised to contact the Licensing Authority in the event of any enquiry for appropriate advice.
- 1.2 The Act requires the Licensing Authority to carry out its licensing function so as to promote the four licensing objectives:
- **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**
- 1.3 Before the Licensing Authority determines its policy for any five 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) Hertfordshire Fire and Rescue Service;
 - c) Hertfordshire Trading Standards;
 - d) Hertfordshire Local Safeguarding Children's' Board;
 - e) Stevenage SoSafe Community Safety 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 of personal licences;
 - i) Persons/bodies representative of business and residents in the Borough.
- 1.4 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 and 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.
- 1.5 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 and 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; between the hours of 11pm and 8am the following morning (as amended by the Live Music Act 2012), or for audiences above 500 at any time.
 - The supply of any hot food or drink between 11pm and 5am.
- 1.6 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, to the Act generally and to any supporting regulations issued by Central Government.
- 1.7 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, these measures become enforceable under the law and a breach of such a condition could result in prosecution.
- 1.8 The Police Reform and Social Responsibility Act 2011 introduced for the first time provisions to enable the Licensing Authority itself to make representations in respect of 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 situations where, for example, 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 by Licensing Officers, which have then undermined the licensing objectives.

2. Licensing and other legislation

- 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 application's 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 Environment Act 2005
 - (e) The Regulatory Reform (Fire Safety) Order 2005
 - (f) The Health and Safety at Work etc. Act 1974
 - (g) The Equality Act 2010
- 2.2 The Licensing Authority can only impose conditions on a licence that are necessary and in proportion to the promotion of the licensing objectives. Where

other existing legislation already places certain statutory responsibilities on an employer or operator of a premises, it cannot be necessary to impose the same or similar duties.

- 2.3 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.
- 2.4 The Council's Planning Policies are set out in its Local Development Scheme. Government guidance in the form of Planning Policy Guidance (PPG) and National Planning Policy Framework (NPPF) are also relevant when applying for premises licences and reference to these will be made.
- 2.5 Licensing is separated from planning and licence applications will not, therefore, be a re-run of the planning application. In general the Licensing Authority will expect that, prior to the submission of a licensing application; the appropriate planning permission will have been resolved before a licence application is made and that any change to operating hours sought does not exceed those authorised by the planning permission. It is recognised that in certain situations a provisional statement may be sought alongside planning permission.

3. Policies, Strategies and Partnership Working

- 3.1 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:
 - Stevenage PubWatch Scheme
 - Alcohol Harm Reduction Strategy
 - Action plan to Tackle Alcohol Related Crime through local initiatives such as Family Intervention Project (FIP), No More project as examples.
 - National Licensing Week
- 3.2 The Licensing Authority will consider each application on its own merits, but may make reference to other adopted Council policies including;
 - The Council's Corporate Plan 'Future Town, Future Council'
 - So Stevenage (Safer Stronger Communities)
 - Joint Advisory Group's Action Plan
 - Crime and Disorder Strategies
 - Regulators' Code
- 3.3 Stevenage PubWatch has been developed to enhance the safety, security, comfort and wellbeing 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 work with all licence holders to promote Stevenage as being a safe and vibrant place.

- 3.4 The Licensing Authority fully supports the use of proof of age schemes for patrons using venues within Stevenage Borough, namely Validate, Challenge 21 and other PASS schemes in conjunction with our partners at Trading Standards.
- 3.5 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.

4. Licensable activities

4.1 This policy relates to the following activities that are required to be licensed under the Act:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club
- Provision of 'regulated entertainment' to the public, club members or with a view to profit
- Provision of late night refreshment (Supply of hot food and/or drink from any premises between 11pm and 5am)

4.2 Regulated entertainment includes:

- Performance of a play
- Exhibition of a film
- Indoor sporting events
- Boxing/wrestling entertainment
- Performance of live music
- Playing of recorded music
- Performance of dance

4.3 In certain circumstances some of the above activities have been deregulated. The Live Music Act and Deregulation Act 2015 are designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:

- Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises.
- 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)
- Unamplified 'live' music between 8am and 11pm in all venues.
- The provision of entertainment facilities.

4.4 The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 deregulated some of the licensable activities under the 2003 Act in addition to the deregulation created by the Live Music Act 2012. As a result, the following activities are no longer licensable between the hours of 8am and 11pm on any day:-

- Performances of plays up to an audience of 500 people;
- Exhibitions of dance up to an audience of 500 people;
- Indoor sport up to an audience of 1000 people;
- 'not for profit' film exhibitions up to an audience of 500;

- Playing of recorded music up to an audience of 500 on premises authorised to sell alcohol;
- Playing of recorded music in a church hall, community hall, or other similar community premises, that is not licensed to sell alcohol, up to an audience of 500 people and the organiser obtains consent from the person responsible for the premises;
- Playing of recorded music at a non-residential premises of a local authority, a school or a hospital up to an audience of 500 people and the organiser obtains consent from the local authority or the school or the health care provider for the hospital.

5. The Licensing Authority as a Responsible Authority

- 5.1 Licensing authorities themselves are included within the prescribed list of responsible authorities under the Act.
- 5.2 As a responsible authority, the Licensing Authority will not make representations on behalf of other parties such as residents, local councillors or local community groups, as they are already afforded the ability to make representations regarding licensing applications.
- 5.3 The only occasion when the Licensing Authority will depart from the above principle is in circumstances where any of the parties have not been afforded an opportunity to make representations, and it is aware that there are relevant grounds on which a representation should be submitted.
- 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 under consideration.

6. Responsible Authorities

- 6.1 Responsible authorities are public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence. For all premises, responsible authorities include:
- the relevant licensing authority and any other licensing authority in whose area the premises is situated;
 - the chief officer of police;
 - the local fire and rescue authority;
 - the relevant enforcing authority under the Health and Safety at Work etc. Act 1974;
 - the local authority with responsibility for environmental health;
 - the local planning authority;
 - a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
 - each local authority's Director of Public Health (DPH)
 - the local weights and measures authority (trading standards); and
 - Home Office Immigration Enforcement (on behalf of the Secretary of State).

- 6.2 Full details of all of the responsible authorities, as prescribed under the Act are available from the Licensing team, and will also be available on the Council's web-site.

7. Culture, Live Music, Dancing and Theatre

- 7.1 The Licensing Authority wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. It will seek to achieve a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.
- 7.2 The Licensing Authority will only attach licence conditions that are reasonable, proportionate, and strictly necessary for the promotion of the licensing objectives. The Authority is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.
- 7.3 The Licensing Authority will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing between the hours of 11pm and 8am and for indoor sporting events, as outlined in supporting regulations to the Act. If there is evidence that licensing requirements deter such activities, the Authority will consider how to prevent this, and if necessary will revise this Policy.
- 7.4 The Licensing Authority is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. We wish to encourage these activities for the benefit of all.
- 7.5 Informed through community stakeholder consultation and commissioned by Stevenage Borough Council and Arts Council England, 'Stevenage Re-Imagined: A Ten-Year Arts and Heritage Strategy' was launched in June 2019 and is working to make Stevenage a creative destination town. The strategy brings together a number of ambitions to build on Stevenage's unique arts and heritage legacy in recognition of both the economic and social benefits that a strong cultural offer can bring.
- 7.6 The Council on its own behalf has sought premises licences for appropriate public spaces within the Borough, specifically Fairlands Valley Park and King George V Playing Fields. Further licences may be sought in the Council's name going forward. Licensing of these spaces 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 the Council's Safety Advisory Team.
- 7.7 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.

7.8 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:

- The playing of live or recorded music at volumes which predominate other activities at a premises would *not* normally be regarded as incidental;
- A juke box played at moderate levels would normally be regarded as incidental to the other activities.

7.9 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 of enabling the entertainment to take place.

8. Circuses

8.1 The Licensing Authority has taken note of the guidance provided by Central Government regarding licensing provisions for circuses.

8.2 Should a circus operator 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 also to seek permission before making such an application from the land owner or managing agent.

8.3 The Licensing Authority has a premises 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 will 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.

9. Cumulative Impact

9.1 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. An example of this impact would be the increase in crime and disorder or public nuisance in a town centre resulting from a large concentration of licensed premises in one area over and above the impact of the individual premises themselves. At the present time a saturation policy has not been adopted.

9.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can properly consider in developing its Licensing Policy Statement.

9.3 The Licensing Authority recognises that there is a difference between the commercial need and the cumulative impact of premises in an area. Commercial need is the commercial demand for other licensed premises and is a matter for planning consideration and market forces. It does not form part of this Licensing Policy Statement.

9.4 The Licensing Authority will not operate a quota of any kind, nor will it ordinarily seek to impose general limitations on trading hours in particular areas.

9.5 In considering issues of cumulative impact the Licensing Authority will be mindful that, in addition to the licensing functions, there are a number of other mechanisms, both within and outside the licensing regime, for addressing nuisance and disorder. These include, but are not limited to:

- (i) planning controls;
- (ii) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- (iii) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- (iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- (v) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices and new powers introduced by the Anti-social Behaviour, Crime and Policing Act 2014;
- (vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (vii) the confiscation of alcohol from children;
- (ix) police and local authority powers to close down instantly for up to twenty-four hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- (x) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

9.6 The Council will also address the issue of crime and disorder through the SoSafe Community Safety Partnership in line with strategic objectives for crime and disorder reduction within the district. The success of these measures in reducing nuisance and disorder will be subject to ongoing review.

9.7 Any decision to carry out a cumulative impact assessment would require a public consultation. The Licensing Authority has no plans to carry out such an assessment at the time of writing this policy.

10. Early Morning Restriction Orders (EMRO)

10.1 The ability to implement an EMRO is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. An EMRO would enable the Licensing Authority to restrict the sale of alcohol in the whole, or in part, of the district between midnight and 06:00hrs on all or some days.

10.2 The Licensing Authority could consider making an EMRO in relation to problem areas if it had evidence that the order is appropriate for the promotion of the licensing objectives.

- 10.3 It is important to be aware that the restriction would only relate to the sale or supply of alcohol and would have no effect on regulated entertainment.
- 10.4 The Licensing Authority is of the view that an EMRO is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- 10.5 An EMRO is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so significant that only an EMRO would offer a viable solution.
- 10.6 Any decision to implement an EMRO would require a public consultation. The Licensing Authority has no plans to implement any EMROs at the time of writing this policy.

11. Late Night Levy

- 11.1 The ability to implement a levy is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. This would enable the Council to charge a levy to all persons who are licensed to sell alcohol within a specified time period between midnight and 06:00hrs as a means of raising a contribution towards the costs of policing the late-night economy.
- 11.2 The levy would apply to all premises where the licence allowed alcohol sales within the specified period irrespective of whether or not they were trading during those hours. Additionally, the levy would apply to the district as a whole, including premises such as village pubs that are often the centre of a community with little or no impact on the licensing objectives.
- 11.3 A minimum of seventy percent of the levy must be given to the police however there is no statutory requirement for it to be spent on policing the late-night economy or even on the district in which it was levied.
- 11.4 The Licensing Authority would consider making a levy if it had evidence that the order is appropriate for the promotion of the licensing objectives.
- 11.5 The Licensing Authority is strongly of the view that a levy is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- 11.6 As a levy would impact on all businesses within the specified timings it would be an unreasonable charge for well-managed premises that were not impacting on the licensing objectives.
- 11.7 A levy is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so widespread within the district that only a levy would offer a viable solution.

- 11.8 Any decision to implement a levy would require a public consultation. The Licensing Authority has no plans to implement a levy at the time of writing this policy.

12. Licensing Hours

- 12.1 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. Furthermore it is held by the Government that shops and public houses generally should 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.
- 12.2 The Licensing Authority acknowledges 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 is also acknowledged that 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 licensing objectives.
- 12.3 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.
- 12.4 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. Such an approach could unfairly disadvantage residents in one area with respect to another, as well as potentially lead to peaks of disorder and disturbance, a situation that the Act seeks to avoid.
- 12.5 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.
- 12.6 This policy will not attempt to artificially introduce staggered closing times and the principle of a 'lock-in' period after which no further customers are to be admitted to the premises, will not be applied.
- 12.7 The Licensing Authority will generally consider granting licences to shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons for restricting those hours, for example, where police

representations are made in respect of isolated shops known to be the focus of disorder and disturbance.

13. 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 address 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 on the basis of 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 those locations where the licensed premises can be identified as the source or cause of concern.
- 13.4 The Licensing Authority acknowledges that the licensing function is not to be used for the general control of 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.
- 13.5 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.
- 13.6 The Licensing Authority seeks to address many of these issues through the SoSafe 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 Clever as local examples.

- 13.7 The Licensing Authority will 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 area.
- 13.8 Operating Schedules for licensed premises and club premises are the key to ensuring compliance with the four licensing objectives. 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 might otherwise arise in this area.
- 13.9 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.
- 13.10 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.
- 13.11 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned. In general, conditions attached to either a premises licence or a club premises certificate will be:
- clear
 - enforceable
 - evidenced
 - proportionate
 - relevant
 - be expressed in plain language capable of being understood by those expected to comply with them.
- 13.12 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.
- 13.13 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Licensing Authority may consider attaching conditions drawn from its Pool of Conditions. This is available on request from the Licensing team but should not be regarded as an exhaustive or exclusive list and will be applied by the Licensing Authority at its discretion.

14. Mandatory conditions

- 14.1 The Licensing Authority acknowledges that there are mandatory conditions that apply to all premises licences and separate mandatory conditions that apply to all club premises certificates.
- 14.2 Section 19 of the Act contains a mandatory condition for premises licences whereby there can be no sale of alcohol without a designated premises supervisor named on the licence or where the designated premises supervisor does not hold a valid personal licence, and where every sale of alcohol must be made or authorised by a personal licence holder.
- 14.3 The Council does not expect the designated premises supervisor to be available at the premises at all times, however he/she is expected to exercise control over day-to-day management of the premises. In the absence of the designated premises supervisor, a senior member of staff should be authorised, preferably in writing, to deputise for the designated premises supervisor and the deputy's role should be made known to all staff.
- 14.4 At a review of a premises where relevant representations are received in relation to ineffective management of the premises when alcohol is available to the public, the Council will consider imposing a condition requiring a personal licence holder to be present at all times whilst alcohol is being supplied.
- 14.5 When the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 SI 2010/860 introduced new mandatory conditions as part of section 19 of the Act with effect from 6th April 2010 and 1st October 2010, the Council chose not to re-issue all existing licences to include these conditions. When the Council processes an application to vary an existing licence the full range of mandatory conditions will be included on the licence. The absence of mandatory conditions on a licence does not invalidate those conditions; it is the licence / certificate holders' responsibility to be aware of, and comply with, all mandatory conditions.
- 14.6 The Licensing Authority strongly believes that irresponsible drinks promotions, specifically those that encourage patrons to drink more than they otherwise would or within a shorter time period, should be discouraged and will fully implement the respective paragraphs in the Guidance.
- 14.7 In the case of a review of an existing licence or certificate where there is evidence that an irresponsible alcohol promotion is contributing to an adverse effect on the licensing objectives, the Council will consider this as evidence of the ineffectiveness of the management of the premises

15. Licensing Objectives

- 15.1 The following paragraphs set out Stevenage Borough Council Licensing Policy relating specifically to each of the four licensing objectives.
- 15.2 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 to when a variation is being applied for.

- 15.3 Special measures may be required occasionally or for specific types of event such as when a popular live band or promotions are planned, which are 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.

Prevention of crime and disorder

- 15.4 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.
- 15.5 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.
- 15.6 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 Pool of Conditions relating to Crime and Disorder or from the premises operating schedule.
- 15.7 In considering all licence applications, the Licensing Authority will consider 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.
- 15.8 When addressing crime and disorder the applicant should identify any particular issues (particular to the type of premises and /or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Any steps proposed to address identified issues should be included with the applicant's operating schedule.

Public Safety

- 15.9 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.
- 15.10 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. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues.
- 15.11 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 Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. 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.
- 15.12 The Licensing Authority will consider attaching Conditions to licences and permissions where representations have been made, in order to promote 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.
- 15.13 Where an applicant identifies an issue in regard to public 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:
- the arrangements for ensuring, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
 - the provision of such information, instruction, training and supervision as is necessary to ensure health and safety;
 - 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;
 - the provision and maintenance of an environment that is safe and without risks to health;
 - the provision and maintenance of plant and systems of work that are safe and without risks to health;
 - controlling the keeping and use of explosive or highly flammable or otherwise dangerous substances,
 - measures to prevent overcrowding;
 - prior notification of special events

Prevention of Public Nuisance

- 15.14 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.
- 15.15 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 will also take into account previous history of the premises.
- 15.16 The Licensing Authority may consider attaching conditions to licences and permissions when relevant representations have been made, to prevent public nuisance. 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:
- 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, noise limiting devices and other noise amelioration measures.
 - 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 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.
 - 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.
 - The steps taken or proposed to be taken by the applicant to ensure staff and patrons leave the premises quietly and orderly manner.
 - The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents and other businesses.
 - Whether there is sufficient provision for public transport for patrons, including taxis and private hire vehicles.
 - Whether licensed taxis or private hire vehicles are likely to disturb local residents.
 - 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.
 - The use of gardens, patios, forecourts and other open-air areas.
 - Delivery and collection arrangements, including proximity to noise sensitive premises and the time of such activities.

- The siting of external lighting, including security lighting that is installed inappropriately.
- The siting of any other equipment or facilities used in conjunction with the premises.
- Whether activities on the premises would lead to increased refuse storage or disposal problems.
- Whether activities on the premises would lead to additional litter, including fly posting and illegal placards in the vicinity of the premises
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.
- The contribution the applicant makes or proposes to make towards the cost of CCTV surveillance, litter collection or associated street furniture.

Protection of Children from Harm

15.17 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.

15.18 The Act does not prohibit children under 16 from having 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 premises 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 and 5:00am unaccompanied. However 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 harm.

15.19 The Licensing Authority will consult with the appropriate Hertfordshire Safeguarding Children Board on any application that indicates there may be concerns over access for children.

15.20 The Licensing Authority will judge the merits of each individual 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:

- where there have been convictions for supply of alcohol to minors or premises with a reputation for underage drinking
- where there is a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where entertainment of an adult or sexual nature is commonly provided

15.21 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:

- Limitations on the hours when children may be present.
- Limitations on ages below 16 and/or 18.

- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult.
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

15.22 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.

15.23 The Act contains a number of sections 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.

15.24 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.

15.25 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the BBFC, or by the Licensing Authority.

15.26 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.

15.27 Where regulated entertainment is specially presented for children, the Licensing Authority will, following representations, 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.

15.28 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Following relevant representations, it will consider attaching conditions to licences and permissions to prevent harm to children.

15.29 Child sexual exploitation is a form of child abuse which is complex and can be manifested in different ways. Essentially it involves children and young people receiving something – for example, accommodation, alcohol, drugs, gifts or affection – in exchange for sexual activity or having others perform sexual activities on them. The Council recognises that this form of exploitation could potentially be linked to licensed premises and as such will seek to promote knowledge and understanding of the issue amongst those in the licensed trade.

Where potential instances of child sexual exploitation are identified to the Licensing Authority these will be referred to the appropriate bodies.

16. Enforcement

16.1 Stevenage Borough 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.

16.2 The Council will have regard to the Regulators' Code which can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

16.3 The Code provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Nearly all regulators, including local authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.

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 which is freely available from the Council, as is this Policy and details of the Council's Complaints Procedure.

16.5 Inspections of all licensed premises will be undertaken by the Licensing Authority on the basis of risk ensuring that enforcement is proportionate and targeted at higher risk premises which require greater attention, and allowing a lighter touch in relation to lower risk premises.

16.6 The Licensing Authority will seek to work proactively with other responsible authorities in enforcing licensing legislation. It expects the responsible authorities to share information about licence holders and licensed premises and to consult closely with the Licensing Authority when any enforcement action may be required. The Licensing Authority has signed the Hertfordshire Licensing Enforcement Protocol in conjunction with the other responsible authorities within the county. Inspections will take place at the discretion of the Licensing Authority and its partner agencies and resources will be concentrated on areas of need.

16.7 The Council expects responsible authorities to lead on enforcement action that falls within their normal working remit. In respect of non-compliance with an authorisation, the Licensing Authority would ordinarily take the lead assisted, where applicable, by witness statements from responsible authorities.

16.8 The Licensing Authority may carry additional inspections where complaints have been received from any of the responsible authorities, other agencies, members of the public or where information that a breach of licence may occur.

16.9 The Council will consider the use of Closure Notices under section 19 of the Criminal Justice and Police Act 2001 as a method of enforcing licence conditions. This procedure clearly identifies the actions a licence holder needs

to take to rectify the situation within a set period of time and the consequences of not doing so. In the event of non-compliance with a Closure Notice, the Council will apply to the courts for a Closure Order.

17. Licence Reviews

- 17.1 An interested party, a body representative or a local Councillor as defined in the Act, 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.
- 17.2 The Licensing Authority, in determining if the application for a review is relevant, will have regard to the current guidance issued by the Secretary of State under section 182 of the Act in so far as to whether an application is frivolous, vexatious or repetitious. Representations made by a responsible authority cannot be deemed as being frivolous, vexatious or repetitious.
- 17.3 Once the licence is before the Licensing Committee (see Section 21 below) at a review hearing, there are several options available to the committee. They include:
- Modification to the current conditions of the licence;
 - Exclusion of a licensable activity currently permitted on a licence, or certificate;
 - Removal of the designated premises supervisor;
 - Suspension of the licence, or certificate, for a period not exceeding three months; or
 - Revocation of the licence, or certificate.
- 17.4 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*.
- 17.5 The Licensing Authority in its duties recognises that it cannot itself initiate any review application. The role of the Licensing Authority will be solely to administer the process, and to determine the application by way of a hearing, at which time evidence to support the review can be given.
- 17.6 The Licensing Authority recognises the importance of partnership working, and will pro-actively support working with interested parties and/or businesses in the vicinity of a licensed premise or club, and responsible authorities, to allow the holders of a licence or club premises certificate the opportunity to address concerns raised at the earliest opportunity, with a view to resolve matters informally where possible.

18. Licence Suspensions

- 18.1 The payment of an annual fee for a premises licence or club premises certificate is a statutory requirement by virtue of the Act. The responsibility for ensuring prompt payment rests entirely with the licence or certificate holder.

While the Local Authority will issue an invoice for the due fee and one subsequent reminder, it will not accept the alleged absence or loss of a reminder letter or an invoice as a reason for non-payment as there is no statutory requirement for such documents to be issued.

- 18.2 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 there 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 to allow for resolution of a dispute, or to correct an error. Should the disputed error not be resolved following the end of the 21 day period, the licence will then be suspended.
- 18.3 In all instances of suspension, the Licensing Authority will write to the licence holder to advise of the suspension, the correspondence of which will include the date on which the suspension is to take effect, which in all instances will be 2 days after the day the notice is given.
- 18.4 In all instances of suspension, the Licensing Authority will notify Hertfordshire Constabulary and the relevant responsible authorities as defined under the Act. The procedures for suspension are described in the regulations, and the section 182 guidance; the Licensing Authority will follow these principles.
- 18.5 The lifting of a suspension will only take place from the day on which the Licensing Authority receives the payment of the outstanding fee. In all instances, confirmation that the suspension has been lifted in writing will be made the following working day after the payment has been received. Notification will also be provided to Hertfordshire Constabulary, and the relevant responsible authorities as notified at the time the suspension notice was given.

19. Temporary Event Notices

- 19.1 The process of issuing a Temporary Event Notice (TEN) is designed to be a light-touch process, and as such, the carrying on 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.
- 19.2 Certain temporary events do not require a licence and can be notified to the Licensing Authority by a TEN giving a minimum of 10 working days notice. This period begins the day after receipt of the notice and does not include the day of the event itself.
- 19.3 Premises users are now permitted under the Act a limited number of late TENs. A late TEN is a notice given no earlier than nine and no later than five working days before the event date. Late TENs are designed to assist premises users who require, for reasons beyond their control, to still serve a notice of intent for their event to the required authorities.
- 19.4 Applicants in the instance of a late TEN 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. Event size, location or timing 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.

19.5 A number of limitations are imposed on the use of TENs by the 2003 Act:

- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

19.6 The Licensing Authority recommends that to ensure events occur with the minimum of risk, at least 28 days notice is given. Some events may be more difficult to assess in advance it recommends that not more than 90 days notice is given.

19.7 The Licensing Authority and relevant authorities including representatives from the Police, Fire and Ambulance have agreed to a Safety Advisory Team (SAT) for the Borough. The purpose of the team is to provide advice on the organisation and safety, and to assist with meeting with the requirements of other legislation that protects local residents and businesses, to persons planning to hold temporary event. Applicants giving notification to the licensing authority of a temporary event should have regard to the SAT advice. For further information please contact the Licensing Team on 01438 242908.

20. Sexual Entertainment

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.

20.2 Premises seeking to provide regulated entertainment at their premises that will commonly be of an adult nature should consult with the Licensing Authority in the first instance as to whether separate permission will be required.

- 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 on 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.
- 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:
- 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.
- 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.
- 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 premises, irrespective of its location in the Borough.
- 20.7 The Licensing Authority is keen to ensure that any premises seeking 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 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, as well as the other three licensing objectives are fully promoted.

21. Administration, Exercise and Delegation of Functions

- 21.1 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.
- 21.2 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 the Appendix 1.

- 21.3 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.
- 21.4 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.
- 21.5 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 Licensing Officers and reported to the members of the Licensing Committee.
- 21.6 In support of the table of delegation as at Appendix 1, delegation to officers for the following has also been provided in respect of:
- Power to suspend a premises licence or club premises certificate for non-payment of annual fee
 - Power to specify the date on which suspension takes effect. This will be a minimum of 2 working days
 - 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
 - Power to make representations as a responsible authority.
- 21.7 This form of delegations is without prejudice to officers being able to refer an application to the committee, if considered appropriate in the circumstances of any particular case.
- 21.8 Whilst the hearing of a contested licence application is quasi-judicial in nature, the Committee will aim to keep proceedings as informal as possible. However, a degree of formality is needed to ensure that all parties receive a fair hearing. The procedures adopted by Stevenage Borough Council as the Licensing Authority are designed to ensure that all parties are able to express their view 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.
- 21.9 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.
- 21.10 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;

- This Licensing Policy.

21.11 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.

22. Applications for Personal Licences

22.1 Any individual may apply for a personal licence whether or not he or she is currently employed or has business interests associated with the licence use. An applicant has to demonstrate that they have an appropriate licensing qualification, are aged over 18 years, do not have a relevant or foreign criminal conviction or have been required to pay an immigration penalty. In addition they must also demonstrate that they have the right to work within the United Kingdom. Any Personal Licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the United Kingdom.

22.2 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are encouraged to first discuss their intended application with the police and local authority licensing officers before making an application. The Licensing Authority and police will arrange to hold interview(s) with prospective personal licence holders to discuss the circumstances surrounding the conviction. Applicants may bring with them supporting evidence, character references or representations to the meeting(s).

22.3 The holder of a Personal Licence is required by the Act to report (as soon as reasonably practicable) to the Licensing Authority any change to their name or address. Similarly should they receive a conviction for any relevant criminal offence or foreign offence or have been required to pay an immigration penalty they must report this in writing (again as soon as reasonably practicable) on receipt of which the Licensing Authority has the discretion to suspend, for up to 6 months, or to revoke the Licence.

22.4 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 although the Licensing Authority expects that every person authorised to make a sale of alcohol is clearly identified, for example by way of a written statement.

22.5 A joint interview will always be arranged where the police 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.

23. Equalities and human rights

Human Rights

23.1 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 1**
That every person is entitled to the peaceful enjoyment of his or her possessions
- **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 for private and family life, home and correspondence.

Equality

- 23.2 The 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.
- 23.3 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.
- 23.4 Further guidance as to this matter is available from the Government Equalities Office and the Equality and Human Rights Commission.

Modern slavery

- 23.5 Stevenage Borough Council is committed to ending all forms of modern slavery. Through working in partnership with local residents, Hertfordshire Police, organisations such as the Salvation Army and the Modern Slavery Helpline the council aims to make the borough of Stevenage an even safer, place to live, work and visit. As a signatory of the Charter for Modern Slavery the council is also aware of its wider social responsibility and is committed to having a positive impact on the working conditions of all those involved in supplying its goods and services.

Appendix 1

Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	LICENSING COMMITTEE	OFFICERS
Initial and five yearly review of licensing policy	Recommend policy to Full Council	
Application for personal licence	If a police objection made	All other cases
Application for personal licence, with unspent convictions	All cases	All other cases
Application for premises licence/club premises certificate	If a relevant representation made	All other cases
Application for provisional statement	If a relevant representation made	All other cases
Application to vary premises licence/club premises Certificate	If a relevant representation made	All other cases
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Determination of a Police or Environmental Health Representation to a temporary events notice (except a late TENS)	All cases	
Application for transfer of premises licence	If a police objection made	All other cases
Application for Interim Authorities	If a police objection made	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	
Determination of an application to vary a premises licence at a community premises to include alternative licence conditions	If a police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation applications		All cases
Determination of minor variation application		All cases

Appendix 2

Other policies, legislation, case-law and guidance sources

Related Legislation

Policing and Crime Act 2009
Anti Social Behaviour Act 2003
Crime and Disorder Act 1998
Crime and Security Act 2010
Criminal Justice and Police Act 2001
Private Security Industry Act 2001
Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)
The Clean Neighbourhoods and Environment Act 2005
The Health Act 2006
Violent Crime Reduction Act 2006
Regulatory Reform (Fire Safety) Order 2005
Violent Crime Reduction Act 2006
Provision of Service Regulations 2009
Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009
Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009
Crime and Security Act 2010
Legislative Reform (Licensing) (Interim Authority Notices etc) Order 2010
Legislative Reform (Licensing Act 2003 Mandatory Licensing Conditions) Order 2010
Police Reform and Social Responsibility Act 2011
Live Music Act 2012
The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Relevant case law regarding policy statements

Limits of licensing policy:

BBPA & Others v Canterbury City Council [2005] EWHC 1318 (Admin)

“Strict” licensing policies and exceptions to policy:

R (Westminster City Council) v Middlesex Crown Court and Chorion plc [2002] LLR 538

Cumulative impact policies and hours:

R (JD Weatherspoon plc) v Guildford Borough Council [2006] EWHC 815 (Admin)

Duplication and conditions:

R (on the application of Bristol Council) v Bristol Magistrates’ Court [2009] EWHC 625 (Admin)

Extra-statutory notification by the licensing authority:

R (on the application of Albert Court Residents Association and Others) v Westminster City Council [2010] EWHC 393 (Admin)

The prevention of crime and disorder: ambit of the objective

Blackpool Council, R (on the application of) v Howitt [2008]

Statement of Licensing Policy 2020-25 – Post consultation draft

Crime and disorder: sanctions on review: deterrence
Bassetlaw District Council, R (on the application of) v Workshop Magistrates Court [2008]

Guidance Documents

Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems

Home Office Safer Clubbing Guide

Home Office Alcohol Disorder Zone Guidance

Home Office Designated Public Place Order (DPPO) guidance

Home Office s182 Guidance

Test Purchasing Guidance

Protecting young people from alcohol related harm

Licensing large scale events (music festivals, etc)

Licensing Village Halls

Councillor Handbook: Licensing Act 2003

Councillor Handbook: Community Events

Managing Crowds Safely

5 Steps to Risk Assessment

The Guide to Safety at Sports Grounds

Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Performances

UK BIDS: Business Improvement Districts (national BIDS advisory service)

Appendix 3

Useful Contacts

Association of Convenience Stores (ACS)

<https://www.acs.org.uk/>

Federation House, 17 Farnborough Street, Farnborough, Hampshire, GU14 8AG

E-mail: acs@acs.org.uk

Association of Town and City Management (ACTM)

<http://www.atcm.org/>

PO Box 242 Westerham TN16 9EU

E-mail: info@atcm.org

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com>

Brewers Hall, Aldermanbury Square, London, EC2V 7HR

Tel: 020 7627 9191

E-mail: contact@beerandpub.com

British Board of Film Classification (BBFC)

<https://bbfc.co.uk/>

3 Soho Square, London, W1D 3HD

E-mail: feedback@bbfc.co.uk

British Institute of Inn Keeping (BII)

<https://www.bii.org/>

Infor House, 1 Lakeside Road, Farnborough, GU14 6XP

Email: enquiries@bii.org

British Retail Consortium (BRC)

<https://www.brc.org.uk/>

2 London Bridge, London SE1 9RA

Email: info@brc.org.uk

Circus Arts Forum

www.circusarts.org.uk

E-mail: info@circusarts.org.uk

Department for Culture, Media and Sport (DCMS)

www.culture.gov.uk

100 Parliament Street, London, SW1A 2BQ

E-mail: enquiries@culture.gov.uk

Equity

<http://www.equity.org.uk/>

Guild House, Upper St Martins Lane, London, WC2H 9EG

Tel: 020 7379 6000

E-mail: info@equity.org.uk

Federation of Licensed Victuallers Associations (FLVA)

<http://www.flva.co.uk>

The Taylor Centre, James Street, York, YO10 3DW

Email: admin@flva.co.uk

Home Office

www.homeoffice.gov.uk

2 Marsham Street, London, SW1P 4DF

Email: public.enquiries@homeoffice.gov.uk

Institute of Licensing (IoL)

<http://www.instituteoflicensing.org/>

Ridgeway, Upper Milton Wells, Somerset, BA5 3AH

Email: info@instituteoflicensing.org

Local Government Association (LGA)

<https://www.local.gov.uk/topics/licences-regulations-and-trading-standards>

17 Smith Square, Westminster, London SW1P 3HZ

E-mail: info@local.gov.uk

National Association of Licensing and Enforcement Officers (NALEO)

<https://www.naleo.org.uk/>

37 Little Paddocks, Ferring, West Sussex, BN12 5NJ

Email: info@naleo.org.uk

National Pub Watch

<http://www.nationalpubwatch.org.uk/index.php>

PO Box 3523, Barnet, EN5 9LQ

Night Time Industries Association (NTIA)

<https://www.ntia.co.uk/>

Email: info@ntia.co.uk

Office for Product Safety and Standards (OPSS)

<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

4th Floor Cannon House, 18 The Priory Queensway, Birmingham, B4 6BS

Email: OPSS.enquiries@beis.gov.uk

Outdoor Arts UK

outdoorartsuk.org.uk

54 Charlton Street, London, NW1 1HS

Email: info@outdoorartsuk.org

Portman Group

<https://www.portmangroup.org.uk>

4th Floor, 20 Conduit Street, London, W1S 2XW

Tel: 020 7290 1460

E-mail: info@portmangroup.org.uk

UK Cinema Association (UKCA)

<https://www.cinema.uk.org.uk/>

3 Soho Square, London, W1D 3HD

UK Hospitality (UKH)

<https://www.ukhospitality.org.uk/>

6th Floor, 10 Bloomsbury Way, London, WC1A 2SL

Email: info@ukhospitality.org.uk

DRAFT