



Licensing Committee

Mon 28 Jul
2014
7.00 pm

Committee Room 2
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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**Pauline Ross
Democratic Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: 01527 881406
e.mail: p.ross@bromsgroveandredditch.gov.uk**

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Democratic Services Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

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Do Not re-enter the building until told to do so.

The emergency **Assembly Area** is on **Walter Stranz Square**.

Licensing

Committee

Monday, 28th July, 2014

7.00 pm

Town Hall

Agenda

Membership:

Cllrs:	Pattie Hill (Chair)	Gay Hopkins
	Alan Mason (Vice-Chair)	Wanda King
	Roger Bennett	Rachael Smith
	Natalie Brookes	David Thain
	Andrew Fry	John Witherspoon

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Minutes (Pages 1 - 8)	To confirm as a correct record the minutes of the meeting of the Executive Committee held on 7 th April 2014. (Minutes attached)
4. Licensing Act 2003 - Review of Statement of Licensing Policy (Pages 9 - 54) Steve Jordan, Head of Regulatory Services	To consider the responses received following consultation with all relevant parties on the revised Statement of Licensing Policy for the Borough. All Wards
5. Licensing Annual Report (Pages 55 - 58) Steve Jordan, Head of Regulatory Services	To receive a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing. All Wards
6. Licensing Committee Work Programme (Pages 59 - 60) Steve Jordan, Head of Regulatory Services	To consider the Committee's Work Programme for the current municipal year 2014/2015. All Wards

7. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

These paragraphs are as follows:

Subject to the “public interest” test, information relating to:

- Para 1 – any individual;
- Para 2 – the identity of any individual;
- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;
- Para 5 – legal professional privilege;
- Para 6 – a notice, order or direction;
- Para 7 – the prevention, investigation or prosecution of crime;

may need to be considered as ‘exempt’.



Licensing Committee

Monday, 7 April 2014

MINUTES

Present:

Councillor Phil Mould (Chair), Councillors Michael Braley, Andrew Fry, Pattie Hill, Gay Hopkins and Wanda King

Officers:

K Barnett and D Etheridge

Committee Services Officer:

P Ross

32. APOLOGIES

Apologies for absence were received on behalf of Councillors Joe Baker, Alan Mason and Brenda Quinney.

33. DECLARATIONS OF INTEREST

There were no declarations of interest.

34. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 11th November 2013 be confirmed as a correct record and signed by the Chair.

35. SCRAP METAL DEALERS ACT 2013 - UPDATE ON IMPLEMENTATION

The Committee considered a report which provided an update on the local implementation of the Scrap Metal Dealers Act 2013 which came fully into force on 1st December 2013.

.....
Chair

Licensing Committee

Monday, 7 April 2014

The Senior Licensing Practitioner introduced the report and in doing so informed Members that all of the applications received were subject to consultation with West Mercia Police and the Environment Agency. Six site licences had been issued to scrap metal dealers operating sites in the Redditch Borough Council area. 23 licences had been issued to individual mobile collectors allowing them to collect scrap metal within the Borough. All licences had been granted by officers under delegated powers, none of the licences required referral the Licensing Committee. If the suitability of any licence holder was brought into question they would be brought before a Licensing Sub-Committee.

On Tuesday 17th December 2013, Worcestershire Regulatory Services (WRS) officers were involved in an operation with officers from West Mercia Police. The operation involved visiting sites where a site licence had been granted. The visits were intended to provide advice on the new legislation and in particular the record keeping requirements. Officers took the opportunity to check the records kept at the sites. Compliance was generally good, although some improvement was required at one or two sites. Advisory letters were issued to those licence holders who required improvements to their record keeping. These sites would be revisited in the near future.

WRS officers had supported other police operations, working with HM Revenue & Customs and Vehicle & Operator Services Agency (VOSA) throughout the County targeting both mobile scrap metal collectors and scrap metal sites.

The Senior Licensing Practitioner responded to Members' questions with regard to the noise nuisance caused by some scrap metal collectors using a loop sound system calling out for 'scrap metal'. Noise nuisance was not covered in the Scrap Metal Dealers Act 2013. Press releases had been issued to raise awareness amongst the general public of the new licencing requirements. Members and the general public could inform WRS officers of any concerns or issues experienced with mobile collectors in the Redditch Borough Council area.

RESOLVED that

the report in relation to the local implementation of the Scrap Metal Dealers Act 2013 be noted.

36. LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered a report which detailed the draft revised Statement of Licensing Policy for the purpose of consultation with all relevant partners.

The Senior Licensing Practitioner introduced the report and in doing so informed Members that the Council's existing Statement of Licensing Policy had been published on 7th January 2011. Section 5 of the Licensing Act 2003 required licensing authorities to review their Statement of Licensing Policy every five years, therefore a reviewed Statement of Licensing Policy would need to be approved by Council and published no later than 7th January 2016. Whilst the Council were not legally required to review their Statement of Licensing Policy for another two years, officers felt it was desirable to review the Statement of Licensing Policy at this stage as a result of the large number of changes to the legislation and statutory guidance since the existing Statement of Licensing Policy was published in January 2011.

The draft revised Statement of Licensing Policy, attached at Appendix 1 to the report, had been completely redrafted and was based on a template provided by the Local Government Association.

The Senior Licensing Practitioner drew Members' attention to section 3.8 in the report, which detailed the legislative changes reflected within the revised Statement of Licensing Policy and section 3.9 in the report, which detailed all the relevant parties to be consulted with. The consultation would be carried out over a period of twelve weeks with the responses received during the consultation period presented to the next Licensing Committee meeting.

The Senior Licensing Practitioner responded to Members' questions in respect of door supervision in licensed premises. Members were informed that a Security Industry Authority (SIA) licence was required to undertake the licensable activities of a door supervisor. The SIA licence for door supervision required applicants to undergo specific training requirements.

RESOLVED that

the draft revised Statement of Licensing Policy be approved for the purpose of consultation with all relevant parties.

37. HOME OFFICE CONSULTATION ON LOCALLY SET FEES UNDER THE LICENSING ACT 2003

The Committee considered a report which provided details of the Home Office eight week consultation on the implementation of locally set fees under the Licensing Act 2003 and the draft response to the consultation from Worcestershire Regulatory Services (WRS) on behalf of the six licensing authorities in Worcestershire.

The Senior Licensing Practitioner introduced the report and informed Members that the centrally set fees under the Licensing Act 2003 had remained unchanged since 2005. The implementation of locally set fees would enable licensing authorities to achieve full cost recovery in delivering their functions under the Licensing Act 2003. Section 121 of the Police Reform and Social Responsibility Act 2011 introduced a power for the Home Secretary to prescribe in regulations that these fee levels should be set by individual licensing authorities. Locally set fees could not be used to raise extra revenue, nor were they tools to tackle crime. Fees must be based on recovering the costs that licensing authorities incurred when carrying out their licensing functions.

The Home Office was now moving towards the implementation of locally set fees and on 13th February 2014 launched an eight week consultation on the issue of locally set fees, as detailed at Appendix 1 to the report. Officers from WRS had drafted a response to the consultation, as detailed at Appendix 2 to the report, to be submitted to the Home Office by 10th April 2014.

RESOLVED that

the responses to the Home Office consultation on fees under the Licensing Act 2003, as detailed at Appendix 2 to the report be noted and the Licensing and Support Services Manager, Worcestershire Regulatory Services be tasked to submit the responses on behalf of Redditch Borough Council.

38. REGULATION OF FACE TO FACE DIRECT DEBIT CHARITABLE STREET COLLECTIONS

The Committee considered a report which provided details of Worcestershire Regulatory Services (WRS) officers who had engaged with representatives of the Public Fundraising Regulatory Association (PFRA) with a view to establishing an agreement to regulate the working days and areas of face to face direct debit charity street fundraisers in Redditch Town Centre.

The Senior Licensing Practitioner introduced the report and drew Members' attention to the findings of the Redditch Market Task Group, who were commissioned to carry out a review by the Council's Overview and Scrutiny Committee in November 2011. One of the recommendations in the Redditch Market Task Group's final report was that the Council should engage with the Public Fundraising Regulatory Association (PFRA) with a view to reaching an agreement to regulate the working days and areas of face to face direct debit charity street fundraisers in Redditch Town Centre.

The Redditch Market Task Group report highlighted that one of the major concerns raised by those market traders consulted with was the operation of face to face direct debit charity street fundraisers, often termed as 'chuggers', in the very near vicinity of the market. The presence of the charity street fundraisers in Alcester Street and Market Place often had a detrimental impact on trade as this was clearly deterring potential shoppers from entering the market area in the knowledge that they would likely be approached by charity street fundraisers.

The market traders also reported that on a number of occasions the charity street fundraisers had encroached upon the market trading area that was supposedly off-limits. This was believed to have had a damaging impact on trade especially as the adjacent Kingfisher Shopping Centre had already imposed a ban on charity fundraisers.

Members of the Task Group acknowledged that street fundraising was a crucial method for many charities in raising money for very worthwhile causes. The Task Group did not therefore propose that a byelaw, which would require the approval of the Secretary of State, was developed that would ban face to face direct debit charity street fundraisers from operating in the town centre altogether. However, they felt that a fairer balance could and should be reached that would preserve the various charities ability to raise donations in Redditch Town Centre but not at the expense of the market trade.

Given that one of the Task Group's main recommendations was to reduce the number of general retail market operating days to no more than three days a week, Task Group Members felt that this provided sufficient scope for direct debit charity street fundraisers to operate in Redditch Town Centre outside of the market's trading days.

The PFRA are a charity-led membership body that self-regulates all forms of face to face direct debit fundraising. This would be a voluntary arrangement which was not legally binding and could not be upheld through formal enforcement action. However they had been implemented by a number of local authorities throughout the

United Kingdom and had been proven to work well in minimising problems.

The Council's Executive Committee had considered the final report of the Redditch Market Task Group and had agreed with the recommendation that the Council should engage with the PFRA with a view to reaching an agreement to regulate the working days and areas of face to face direct debit charity street fundraisers in Redditch Town Centre.

Officers from WRS, along with Members and officers from Redditch Borough Council had engaged with representatives of the PFRA with a view to establishing such an agreement and a number of meetings had taken place.

In September 2013 a site visit was undertaken by Members, officers and the then Head of Policy at the PFRA in order to establish suitable locations for face to face direct debit charity street fundraisers within Redditch Town Centre. Following this meeting a draft Site Management Agreement was prepared and sent to the Council's Town Centre Coordinator for consideration.

The Council's Town Centre Coordinator met with the Council's Portfolio Holder for Community Safety and Regulatory Services and the Licensing Committee Chairman. At the meeting a number of amendments to the draft Site Management Agreement were discussed and agreed. A summary of those amendments were sent to the PFRA to consult with their members on whether they agreed with the Council's amendments. Providing the PFRA agree the final Site Management Agreement would be made available for all parties to sign. The final Site Management Agreement would then be presented to a future meeting of the Licensing Committee.

This final Site Management Agreement would clearly set out the parameters in relation to where, when and how face to face direct debit charity street fundraisers would be able to operate. It was therefore anticipated that it would go some way in relieving the perceived problems associated with the activities of face to face direct debit charity street fundraisers operating in Redditch Town Centre.

The PFRA produce best practice guidance for face to face direct debit charity street fundraisers, comprising of rules and also a fines system. Their compliance team would be responsible for issuing notices to fundraising organisations found to be in breach of those rules. The rules, which will build on the "Institute of Fundraisings code of practice", are contained in the PFRA rule book as detailed at Appendix A to the report.

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The Senior Licensing Practitioner responded to Members' questions with regard to what checks would be in place to monitor fundraisers once the final Site Management Agreement was in place. Members' attention was drawn to page 118 in the report, which provided information on penalty points issued by the PFRA in consultation with nominated persons, as listed. Officers could walk the area to monitor the fundraisers activities to ensure compliance and liaise with the market traders to see if they were still experiencing any issues. The Senior Licensing Practitioner informed Members that once the final Site Management Agreement was in place, press releases would be issued in order to inform the general public of the terms of the Site Management Agreement and who to contact should they have any issues or concerns with regard to the activities of face to face direct debit charity street fundraisers in Redditch Town Centre.

The Senior Licensing Officer further responded to Members' questions with regard to door to door collectors and fundraisers. He highlighted that door to door collectors and fundraisers were covered under different legislation.

Members agreed that face to face direct debit charity street fundraisers could be seen as a nuisance to shoppers and felt that control was needed and a Site Management Agreement would provide that level of control.

RESOLVED that

the contents of the update report on the implementation of the Council's Site Management Agreement with the Public Fundraising Regulatory Association, in relation to the control of face to face direct debit charity street fundraisers be noted.

39. LICENSING COMMITTEE WORK PROGRAMME 2013/2014

The Committee noted the Licensing Committee Work Programme for the remainder of the current municipal year.

RESOLVED that

the Licensing Committee Work Programme 2013/2014 be noted.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**28th July 2014**LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY**

Relevant Portfolio Holder	Councillor Rebecca Blake
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To ask Members to consider the responses received during the consultation on a draft revised Statement of Licensing Policy and to recommend to Council that the revised Statement of Licensing Policy attached at Appendix 3 be approved and published with effect from 1st October 2014.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To recommend to Council that the revised Statement of Licensing Policy attached at Appendix 3 be approved and published with effect from 1st October 2014.

3. KEY ISSUES**Financial Implications**

- 3.1 The cost of the consultation exercise was met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy and to keep its Policy under review. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.

LICENSING COMMITTEE28th July 2014

Service / Operational Implications

- 3.3 Redditch Borough Council's existing statement of Licensing Policy was published on 7th January 2011
- 3.4 Section 5 of the Licensing Act 2003 currently requires Licensing Authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement must be approved by Council and published no later than 7th January 2016.
- 3.5 Whilst the Council are not legally required to review the Statement of Licensing Policy for around another two years, it is felt desirable to review the Policy at this stage as a result of the large number of changes to the legislation and statutory guidance since the existing Policy was published in January 2011.
- 3.6 Section 5 (3) of the Licensing Act 2003 also makes it a requirement that before determining or revising its Policy for a five year period, a Licensing Authority must consult:-
- (a) the Chief Officer of Police for the Licensing Authority's area;
 - (b) the Fire Authority for that area;
 - (c) such persons as the Licensing Authority considers to be representative of holders of Premises Licences issued by that Authority;
 - (d) such persons as the Licensing Authority considers to be representative of holders of Club Premises Certificates issued by that Authority;
 - (e) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that Authority; and
 - (f) such other persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- 3.7 On 7th April 2014 the Licensing Committee considered a draft revised Statement of Licensing Policy and approved it for the purpose of consultation with all relevant parties.
- 3.8 The consultation was commenced on 17th April 2014 and lasted for a period of twelve weeks. The consultation was carried out via the Council's website and the following were all contacted directly to draw attention to the consultation:

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- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Service
 - All other responsible authorities under the Licensing Act 2003
 - Various bodies that represent the licensed trade
 - Redditch Borough Councillors
 - Parish Council
- 3.9 During the consultation exercise, the Council received two responses. The first response received was sent on behalf of the Musicians' Union and this response can be seen at Appendix 1.
- 3.10 The Musicians' Union is keen to ensure that the Council's Statement of Licensing Policy does not impose unnecessary burdens on licensed venues which would discourage their use for live music and therefore deny opportunities to working musicians.
- 3.11 In response to the comments made by the Musicians' Union, officers would point out that the Statement of Policy acknowledges the deregulation of live music and other entertainment in chapter 19.
- 3.12 The Statement of Licensing Policy also makes clear at paragraph 5.1, that every application received will be treated on its own merits and also states at paragraph 5.3 that the authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the Borough.
- 3.13 The Statement of Licensing Policy also makes clear in chapter 9, that any conditions that are attached to licences will be tailored to the individual type, location and characteristics of the premises and events concerned.
- 3.14 In summary, officers believe that the Statement of Licensing Policy strikes a fair balance between enabling the provision of live music and promoting the licensing objectives. Therefore, it is not considered that any amendments are required to the Statement of Licensing Policy in response to the comments of the Musicians' Union.
- 3.15 The second response was received from Hereford and Worcester Fire and Rescue Service and can be seen at Appendix 2.
- 3.16 The Fire and Rescue Service suggested some minor amendments to paragraph 6.2 of the draft revised Statement of Policy, relating to the requirements on plans submitted with applications. These amendments have been incorporated into the finalised Statement of Licensing Policy shown at Appendix 3.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**28th July 2014

3.17 The finalised version of the Statement of Licensing Policy, which can be seen at Appendix 3 is the version that officers ask the Committee to recommend to Council for approval and publication with effect from 1st October 2014.

4. RISK MANAGEMENT

4.1 If the Statement of Licensing Policy is not reviewed and updated, the decisions taken by the Council under the Licensing Act 2003 could be subject to legal challenge.

5. APPENDICES

Appendix 1 – Response from Musicians' Union
Appendix 2 – Response from Hereford & Worcester Fire and Rescue Service
Appendix 3 – Draft Revised Statement of Licensing Policy

6. BACKGROUND PAPERS

Existing Statement of Licensing Policy

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: d.etheridge@worcsregservices.gov.uk

Tel: (01527) 534121

From: Stephen Brown
Sent: 20 May 2014 18:27
To: wrsenquiries
Subject: Redditch Borough Council - Licensing Act 2003 - Review of Statement of Licensing Policy

Dear Sirs,

Thank you for your letter dated 17th April 2014 inviting the Musicians' Union (MU) to comment on the consultation for the Authority's 'review of statement of licensing policy'.

The MU would comment as follows:

The MU is focused on the music aspects of this policy and whilst the review statement appears to comply with the aspects of the deregulation of music as contained in the Live Music Act 2012; there are points in the document that the MU believe if not auctioned reasonably or proportionally may be used to frustrate the spirit of the Live Music Act 2012, and/or lack sufficient clarity/guidance in their context to the Live Music Act 2012.

I would highlight these points as such:

6.7 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

Comment: Some public houses may be a touring circuit venue and be considered a 'major entertainment venue' in their own right and have specialised facilities for same. However, they may also have a capacity of less than 200. It is not clear in the revised policy where the line of distinction may be drawn by the Public Authority. Clearly, if the capacity is less than 200 then it would fall within the 2012 Live Music Act. For such venues we would be concerned if additional barriers were put in place by the regulatory authority to prevent their licensing and status as a venue in such cases - which may then mean they are not being treated appropriately or fairly under the Live Music Act 2012 and hence potentially deny working opportunities for musicians.

6.17 v) any other measure as may be appropriate (eg participation in local Pubwatch and/or Shopwatch schemes or 'behave or be banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies)

Comment: The terms in the Live Music Act 2012 for periods and type of music are clearly defined, so it is not clear what the 'wind-down' period in this sense refers to? If it applies to regulated entertainment outside of the Act it should state this. Otherwise, there is a potential to frustrate the terms for periods/type of live music defined in the Live Music Act 2012 by imposing unfair terms without good reason. This could result in a potential reluctance by venues to put on live music thus denying musicians an opportunity of work.

6.22 *The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include:*

- *the nature of the premises or event*
- *the nature of the licensable activities being provided*
- *the provision or removal of such items as temporary structures, such as a stage, or furniture*
- *the number of staff available to supervise customers both ordinarily and in the event of an emergency*
- *the age spectrum of the customers*
- *the attendance by customers with disabilities, or whose first language is not English*
- *availability of suitable and sufficient sanitary facilities*
- *nature and provision of facilities for ventilation*

Comment: the MU would agree absolutely that public safety is of paramount importance and nothing should interfere with this duty. However, we would hope that conditions would not be so prescriptively or unreasonably imposed, especially for smaller (limited resource) venues, as to make the entertainment 'regulated' by default. For example, smaller venues can provide exceptional platforms for emerging musical talent and we would hope this would be taken into account when assessing applications, especially in terms of staffing or stage structures when the venue has good contingency plans for such eventualities.

6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:
i) prevention of 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 and sound limitation devices.

Comment: The MU would hope that conditions would not be so prescriptively or unreasonably imposed, especially for smaller (limited resource) venues, as to make the entertainment 'regulated' by default with the consequence of a venue deciding that the terms are so impractical and cost intensive to deny work for musicians.

19.3 *When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.*

Comment: It is not clear to the MU what is meant by "there will inevitably be a degree of judgement as to whether a performance is live music or not". Who would make this judgement and what is the guidance provided? It may be helpful to see a glossary of terms or appendix or similar to this effect, as it is difficult for the MU to comment on such a clause when it is based on a subjective unknown. Again, if not clearly defined with an

opportunity for reasonable grounds for challenge then in consequence it may deny opportunities to working musicians.

I trust this response is helpful.

Kind Regards,
Stephen Brown
Musicians' Union
Midlands Regional Organiser

2 Sovereign Court
Graham Street
Birmingham B1 3JR



<http://www.musicsupportedhere.com>



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

Chief Fire Officer/Chief Executive M Yates QFSM MA MCGI DMS MIFireE
Hereford & Worcester Fire and Rescue Service Headquarters
2 Kings Court Charles Hastings Way Worcester WR5 1JR
Tel 0845 12 24454 Fax 01905 357 466 Web www.hwfire.org.uk

Sue Garratt
Licensing & Support Services Manager
Worcestershire Regulatory Services
On behalf of Redditch Borough Council
PO Box 866
Worcester
WR1 9DP

Telephone
Your reference
My reference DGH/AE/jea
Please ask for Group Manager Elliott
Date 18 June 2014

sent via e-mail : wrslicensing@worcsregservices.gov.uk

Dear Madam

Licensing Act 2003 – Review of Statement of Licensing Policy

Thank you for your letter dated 17 April 2014 and the opportunity to comment on the statement of licensing policy. I have reviewed the document and make comment as follows :-

The majority of objections and representations made by my Officers relate to the quality of the plans and information contained on the plans submitted with the application. With this in mind, would it be possible to amended paragraph 6.2 to state that plans should be submitted to a recognised scale and that the location and type of fire safety equipment should be detailed.

I hope that the above comment makes a positive contribution to the review and should you require to discuss the points further, please do not hesitate to contact my lead Officer for Licensing, on the above telephone number or e-mail

Yours faithfully

Adrian Elliott
Group Manager
Community Risk



PREVENTION PROTECTION INTERVENTION

To make Herefordshire and Worcestershire safer from fire and other hazards and to improve community well-being



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

Chief Fire Officer/Chief Executive M Yates QFSM MA MCGI DMS MFireE
Hereford & Worcester Fire and Rescue Service Headquarters
2 Kings Court Charles Hastings Way Worcester WR5 1JR
Tel 0845 12 24454 Fax 01905 357 466 Web www.hwfire.org.uk



PREVENTION PROTECTION INTERVENTION :

To make Herefordshire and Worcestershire safer from fire and other hazards and to improve community well-being



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

Redditch Borough Council,
Town Hall,
Walter Stranz Square,
Redditch,
Worcestershire,
B97 9SB

www.redditchbc.gov.uk

Revised with effect from **DATE**

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1.0 Introduction

- 1.1 Redditch Borough Council (the Council) is a licensing authority under the Licensing Act 2003 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.
- 1.2 These include, among other duties, the granting of premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 Redditch Borough is within the County of Worcestershire and borders Warwickshire County to the east and southeast. It is surrounded by Bromsgrove District to the west and north, Stratford District to the east and southeast and Wychavon District to the southwest.
- 1.4 The Borough is situated at the outer edge of the Green Belt boundary for the West Midlands. Redditch offers easy access to the countryside and prominent local areas, including culturally rich areas such as Stratford upon Avon and naturally rich areas such as the Cotswolds.
- 1.5 The Borough lies 15 miles south of the Birmingham conurbation and Birmingham airport is approximately a 25 minute drive away.
- 1.6 Redditch Borough consists of the main town of Redditch, the villages of Astwood Bank and Feckenham and several other hamlets. It covers an area of 5,435 hectares (13,430 acres) with a population of 84,214 (2011 Census).
- 1.7 The Borough is split into the urban area of Redditch in the north, accounting for 50% of the area and 93% of the population; and the rural area to the south with 7% of the population. The rural area consists predominantly of Green Belt land, but also open countryside, as well as the villages of Astwood Bank and Feckenham.
- 1.8 Through considering what really matters to our residents we have produced a set of six strategic purposes, which are:
 - Keep my place safe and looking good
 - Help me run a successful business
 - Provide good things for me to see, do and visit
 - Help me to be financially independent (including education & skills)
 - Help me to live my life independently (including health & activity)
 - Help me find somewhere to live in my locality

This policy statement aims to support the Council in working to these strategic purposes.

2.0 Licensing Objectives and Aims

2.1 The Licensing Act 2003 provides a clear focus on the promotion of four key licensing objectives. As a licensing authority Redditch Borough Council will always seek to carry out its licensing functions with a view to promoting these four objectives.

The licensing objectives are:

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

2.2 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is the paramount consideration at all times.

2.3 However, the licensing authority recognises that the legislation also supports a number of other key aims and purposes. It is recognised that these are also vitally important and should be aims for everyone involved in licensing work.

They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

3.0 Scope of the Licensing Authority's Functions

3.1 As a licensing authority the Council is responsible for the authorisation of 'licensable activities'. The licensable activities that are required to be authorised under the Act are as follows:

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

3.2 The licensing authority is responsible for four different types of authorisation or permission, as follows:

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to use premises for qualifying club activities.
- Temporary event notice – to carry out licensable activities on a temporary basis for an event.
- Personal licence – to allow a person to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

4.0 Purpose of the Statement of Licensing Policy

- 4.1 This statement of policy has been prepared and updated in accordance with the latest amended provisions of the 2003 Act and the latest revised guidance issued under section 182 of the Act. The statement sets out the principles the licensing authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 4.2 The main purpose of this policy is to provide clarity to applicants, responsible authorities and other persons on how the licensing authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the licensing authority. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 4.3 This policy sets out the process the licensing authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the Council's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 4.4 When carrying out its licensing functions the Council will always have regard to this statement of policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 4.5 The licensing authority may depart from this policy or the Guidance if the individual circumstances of any case merit such a decision in the interests of promoting the four licensing objectives. Whenever the licensing authority takes a decision to depart from this policy or the Guidance, clear reasons will be given.
- 4.6 The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it can to prevent Crime and Disorder in the Borough.
- 4.7 The statement of policy took effect on **DATE** and will be kept under review. A revised statement of policy will be published no later than **DATE**.

5.0 General Principles

- 5.1 Every application received by the licensing authority will be considered on its own individual merits.
- 5.2 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions.
- 5.3 The licensing authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the Borough.
- 5.4 However the licensing authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas.
- 5.5 In particular the licensing authority will attempt to control any potential negative impacts from the carrying on of licensable activities, such as increased crime and disorder, anti-social behaviour, noise, nuisance, risks to public safety and harm to children.
- 5.6 The licensing authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 5.7 The licensing authority acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the authorisation concerned. As a matter of policy, however, the licensing authority expects every holder of an authorisation to take all reasonable steps to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate surroundings of their premises.
- 5.8 "Need" concerns the commercial demand for another pub, restaurant or hotel and is a matter for the planning authority and for the market. Need is not a matter that the licensing authority can consider in carrying out its licensing functions.

6.0 Applications for Premises Licences and Club Premises Certificates

- 6.1 The relevant application forms and associated documents can be obtained from the licensing authority's website or from licensing officers during normal office hours.
- 6.2 Along with the application form, applicants must also submit an operating schedule and plans of the premises to which the application relates. The licensing authority would like any plans submitted to be drawn to a recognised scale, i.e. 1:50 or 1:100, or 1:150, or 1:200. The plans should also be clear and legible in all material respects, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. This should include details and the location of any fire safety equipment provided at the premises. The licensing authority does not require plans to be professionally drawn as long as they clearly show all the prescribed information.
- 6.3 Through their operating schedule, applicants will be expected to demonstrate the positive steps that they will take to promote the four licensing objectives.

Operating Schedules

- 6.4 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. The licensing authority expects an operating schedule to indicate the positive steps that the applicant proposes to take to promote the licensing objectives.
- 6.5 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the licensing objectives.
- 6.6 The licensing authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the licensing authority and other responsible authorities prior to submitting them.
- 6.7 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.
- 6.8 The operating schedule must be set out on the prescribed form and include a statement of the following:-
- Full details of the licensable activities to be carried on at and the intended use of the premises;

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

6.9 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Guidance on Completing an Operating Schedule

6.10 The following guidance is intended to assist applicants by setting out considerations that they should have in mind when drawing up their operating schedules. The guidance is designed to alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

(a) Prevention of Crime and Disorder

6.11 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes be a source of crime and disorder problems.

6.12 The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

6.13 The licensing authority will normally look to the police as the main source of advice on crime and disorder and therefore applicants are recommended to seek advice from West Mercia Police in relation to what steps they can take to promote the prevention of crime and disorder.

6.14 In addition when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.

6.15 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 1988 to do all it can to prevent crime and disorder in the Borough.

6.16 When considering all licence applications the licensing authority will take into

account the measures proposed to deal with the potential for, and the prevention of, crime and disorder having regard to all circumstances of the application. Applicants should include information on these issues within the operating schedule for the premises.

6.17 In particular, the licensing authority will consider the actions, which are appropriate for the premises that the applicant has taken, or is proposing to take with regard to the following:

- i) the ability of the person in charge of the premises to monitor the premises at all times that it is open; although this does not mean that the designated premises supervisor has to be present at all times.
- ii) the training given to staff regarding crime prevention measures for the premises;
- iii) physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
- iv) management attitudes (e.g. responsible pricing promotions, willingness to stagger trading, willingness to limit sales of bottles or canned alcohol for immediate consumption and preventing the sale of alcohol to people who are drunk);
- v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);
- vi) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- vii) where the premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- viii) the likelihood of any violence, public order or policing problems if the licence is granted.
- ix) the employment of door safety staff licensed by the Security Industries Association (SIA)

6.18 Applicants for late night entertainment and alcohol premises should show that they can comply with the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the licensing authority and West Mercia Police on the handling of illegal drugs found on their premises.

6.19 The licensing authority in setting its policies and practices considering applications for licensed premises will have due regard to the current Crime and Disorder Strategy for the Area. Regard will be had to the relatively low crime levels in the area and any disproportionate effects likely to be perceived by residents and members of the public due to nuisance, anti-social behaviour and disorder arising or likely to arise as the result of granting a licence.

(b) Public Safety

6.20 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations. Risk assessments must reflect the local nature of risks applying to each event and or venue.

The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these public safety issues. Applicants are encouraged to seek advice from licensing authority officers and the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

6.21 Where an inspection is required for premises the licensing authority will try where possible to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers, as appropriate.

6.22 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age spectrum of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary facilities
- nature and provision of facilities for ventilation

6.23 The licensing authority encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a public safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

Where the licensing authority's discretion has been engaged following receipt of a relevant representation and it believes it is appropriate for reasons of public safety to impose a condition identifying an occupancy limit, the licensing authority will not normally seek to impose an occupancy limit different to that identified by the Fire Authority if this differs from the figure set in the applicant's Fire Risk Assessment.

(c) Prevention of Public Nuisance

6.24 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the area surrounding the premises.

6.25 The licensing authority is keen to protect the amenity of residents and businesses within the area surrounding a licensed premises that are affected by the carrying on of licensable activities at that premises.

6.26 In addition, the licensing authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The licensing authority will, therefore, try and work together with all affected parties, statutory

agencies and licensed businesses to ensure a mutually beneficial co-existence.

- 6.27 When considering all licence applications, the licensing authority will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:
- i) prevention of 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 and sound limitation devices;
 - ii) The structural suitability of the premises to provide the licensable activities sought including for example matters such as whether the premises benefits from double glazing and lobbied doors.
 - iii) preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
 - iv) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable, ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
 - v) ensuring staff leave the premises quietly;
 - vi) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
 - vii) provision for public transport (including taxis and private hire vehicles) for patrons;
 - viii) whether licensed taxis or private hire vehicles are likely to disturb local residents;
 - ix) whether routes to and from the premises on foot, by car or other services pass residential premises;
 - x) the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
 - xi) the use of gardens and other open-air areas;
 - xii) the location of external lighting, including security lighting that is installed;
 - xiii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
 - xiv) preventing the consumption or supply of illegal drugs, including search procedures;
 - xv) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
 - xvi) the history of previous nuisance complaints proved *to have taken place* at the premises, particularly where statutory notices have been served on the present licensees.
- 6.29 The licensing authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;

- powers to designate parts of the Borough as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas;
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of responsible authorities or interested parties to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

(d) Protection of Children from Harm

- 6.30 The licensing authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and /or other entertainment.
- 6.31 The Licensing Act 2003 does not prevent children having free access to any licensed premises. The licensing authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:
- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
 - with 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 provided;
 - where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).
- 6.32 The licensing authority expects personal licence holders to *seek* to ensure alcohol is not served to children under the age of 18, except in limited conditions allowed for by law. The licensing authority recommends that the only way to verify a person's proof of age is with reference to the following:-
- passport
 - a photocard driving licence issued in a European Union country;
 - a Proof of Age Standards Scheme card;
 - a Citizen Card, supported by the Home Office (details from www.citizencard.net);
 - an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.
- 6.33 When deciding whether to limit the access of children to premises the licensing authority will judge each application on its own merits and a range of conditions may be imposed depending on the circumstances. To assist with this the licensing authority will consult with West Mercia Police and the Worcestershire Safeguarding Children Board if practical or other agencies as the licensing authority consider appropriate.
- 6.34 Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available

include:

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations or exclusion when certain activities are taking place;
- full exclusion of persons under 18 when certain licensable activities are taking place;
- limitation of access to certain parts of the premises for under 18s;
- a requirement for an accompanying adult to be present.

- 6.35 However these options are not exhaustive and other options may be considered as the Council considers appropriate. The licensing authority also commends the adoption of the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks by prospective licensees where the licence applies to the sale of alcohol.
- 6.36 The Licensing Act details a number of offences that are designed to protect children in licensed premises and the licensing authority will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement is undertaken, especially in relation to the sale and supply of alcohol to children.
- 6.37 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 6.38 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs subject to any relevant provisions in law.
- 6.39 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example scenes of horror or violence that may be considered unsuitable for children with certain age ranges. Where a premises is used for film exhibitions, the licensing authority will normally impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the licensing authority itself.
- 6.40 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 6.41 In considering applications, the licensing authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.
- 6.42 Many children attend or take part in an entertainment arranged especially for them, for example children's shows, dance and drama or school productions. Specific additional arrangements may need to be operated to ensure their safety. For example:
- an adult member of staff to be stationed at each and every exit from any level and to the outside and subject to there being a minimum of one member of staff to fifty children or part thereof.
 - no child is to be permitted in the front row of any balcony unless they are supervised by an adult.

7.0 Representations

- 7.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons.
- 7.2 Representations must be made to the licensing authority within the statutory period of 28 days beginning on the day after the relevant application is received by the licensing authority. Representations must be made in writing
- 7.3 Representations can be made either in support of an application or to express objections to an application being granted. However the licensing authority can only accept “relevant representations.” A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 7.4 An example of a representation that would not be relevant would be a representation from a local businessperson about the commercial damage that competition from a new licensed premises would do to their own business. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 7.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives.
- 7.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 7.7 Whilst the licensing authority expects representations to be evidence based, there is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

(a) Representations from Responsible Authorities

- 7.8 Responsible authorities are a group of 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 or club premises certificate. A full list of contact details for the responsible authorities is provided on the licensing authority’s website.
- 7.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 7.10 The licensing authority recognises that every responsible authority can make representations relating to any of the four licensing objectives. However the licensing authority would normally expect representations about the promotion of individual licensing objectives to come from the most relevant responsible authority

with expertise in that particular area. For example the licensing authority would expect representations about the prevention of crime and disorder to come primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

- 7.11 The licensing authority recognises that the police should be its main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations.
- 7.12 The licensing authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the licensing objectives. However the licensing authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 7.13 The licensing authority recognises Worcestershire Safeguarding Children Board as being the body that is competent to advise it on the licensing objective of the protection of children from harm.
- 7.14 The licensing authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the licensing authority in exercising its functions.
- 7.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 7.16 As a result of the Police Reform and Social Responsibility Act 2011, the licensing authority is also now a responsible authority and can therefore make representations if it deems it appropriate to do so.
- 7.17 However the licensing authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 7.18 Such parties can make relevant representations to the licensing authority in their own right, and the licensing authority expects them to make representations themselves where they are reasonably able to do so.
- 7.19 The licensing authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 7.20 In cases where a licensing authority is also acting as responsible authority in relation to the same process, the licensing authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.

(b) Representations from Other Persons

- 7.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the licensing authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 7.22 The licensing authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 7.23 Decisions as to the validity of representations will normally be made by officers of the licensing authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 7.24 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.
- 7.25 Where a notice of a hearing is given to an applicant, the licensing authority is required to provide the applicant with copies of the relevant representations that have been made.
- 7.26 The licensing authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the licensing authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.
- 7.27 In such circumstances the licensing authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.
- 7.28 Alternatively persons may wish to contact the relevant responsible authority or their local Councillor with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations on their behalf if appropriate and justified.
- 7.29 Further guidance on making representations is provided on the licensing authority's website.

8.0 Licensing Hours

- 8.1 The licensing authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.
- 8.2 When determining what licensing hours are appropriate for a premises the licensing authority will always consider each application on its own merits and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. The licensing authority will take into account requests for licensable hours in the light of:
- environmental quality;
 - residential amenity;
 - the character or function of a particular area; and
 - the nature of the proposed activities to be provided at the premises.
- 8.3 Consideration may be given to imposing stricter restrictions on licensing hours when it is appropriate to control noise and disturbance from particular licensed premises, such as those in mainly residential areas.
- 8.4 In accordance with established practice, the licensing authority encourages applicants, to include measures of good practice in their operating schedules such as a policy of prohibiting new persons from being admitted to their premises after 11.00 pm in order to reduce the risk of disorder and disturbance to members of the public late at night, where this is appropriate to the premises concerned.
- 8.6 Generally the licensing authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. There may, however, be instances where it is considered that there are 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 public nuisance.

9.0 Conditions on Licences and Certificates

9.1 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The licensing authority will ensure any conditions that are imposed on a premises licence or club premises certificate:

- Are appropriate for the promotion of the licensing objectives;
- Are precise and enforceable;
- Are unambiguous and clear in what they intend to achieve;
- Do not duplicate other statutory requirements or other duties or responsibilities placed on the business by other legislation;
- Are tailored to the individual type, location and characteristics of the premises and events concerned;
- Are not standardised and may therefore be unlawful if it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Do not replicate offences set out in the 2003 Act or other legislation;
- Are proportionate, justifiable and capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- Do not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Are written in a prescriptive format.

9.2 Although the licensing authority may use standardised forms of wording in conditions to cover commonly arising situations and circumstances, “blanket conditions” will not be applied to licences and specific conditions may be drawn up and applied to meet local need and circumstances.

10.0 Reviews

- 10.1 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority or any other person, may apply to the licensing authority for a review of the licence or certificate because of a problem arising at the premises in connection with any of the four licensing objectives.
- 10.2 In every case the application for review must relate to particular premises for which a licence or certificate is in force and must be relevant to the promotion of the licensing objectives.
- 10.3 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.
- 10.4 However, the licensing authority will not normally act as a responsible authority in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so.
- 10.5 The licensing authority also expects other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is expected that environmental health will make the application for review.
- 10.6 Where responsible authorities have concerns about problems identified at premises, the licensing authority considers it good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.
- 10.7 A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. The licensing authority believes that co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 10.8 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority will first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious.
- 10.9 A review application might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous applications are essentially categorised by a lack of seriousness. Frivolous applications would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 10.10 The licensing authority considers a repetitious ground for review to be one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 10.11 The licensing authority is aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion.
- 10.12 The licensing authority believes that more than one review originating from a person other than a responsible authority in relation to a particular premises should not normally be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 10.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 10.14 Guidance on applying for a review of a licence or certificate, along with the necessary forms, can be found on the licensing authority's website.

11.0 Minor Variations

- 11.1 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications).
- 11.2 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.
- 11.3 On receipt of an application for a minor variation, the licensing authority will consider whether the variation could impact adversely on the licensing objectives. Decisions on minor variations will normally be delegated to licensing officers who will look at each application on its own individual merits.
- 11.4 In considering the application, the officer will consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.
- 11.5 The officer will also carefully consider any relevant representations received from other persons that are received within a period of ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority.
- 11.6 The officer will then determine the application and will contact the applicant within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.

12.0 Cumulative Impact

- 12.1 The licensing authority recognises that the cumulative impact of a number of late night entertainment premises (including cafes) in some areas may result in an increase of people either walking through, or congregating in, streets during the night. This may in turn have a number of undesirable consequences, for example;
- an increase in crime against property and/or persons;
 - an increase in noise causing disturbance to residents;
 - traffic congestion and/or parking problems;
 - littering and fouling.
- 12.2 This may result in the amenity of local residents in some areas being placed under pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action may be taken to ensure conditions are complied with, this may not resolve all the problems.
- 12.3 Where there is evidence that a particular area of the Borough is already suffering adverse effects from the concentration of late night premises, when determining any further application for premises within the area identified the licensing authority will take into account:
- the character of the surrounding area;
 - the impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
 - the nature and character of the proposed operation.
- 12.4 There is currently insufficient evidence to adopt a special policy within this statement. The following steps must be followed before a special policy is considered:
- identification of concern about crime and disorder or public nuisance;
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
 - subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of this Guidance in the statement of licensing policy;
 - publication of the special policy as part of the statement of licensing policy required by the 2003 Act.

13.0 Enforcement and Complaints

- 13.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The licensing authority will monitor premises and take any appropriate enforcement action to ensure compliance. Only complaints linked to a licensing objective will be investigated.
- 13.2 The licensing authority's general approach to enforcement will be to target problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. Principles of risk assessment and targeted inspections (in line with the recommendations of the Hampton review) will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and are more effectively concentrated on problem premises.
- 13.3 In most cases a graduated form of response will be taken to resolve issues of non-compliance, although it is recognised that in serious cases a prosecution or application for review are the appropriate means of disposal.
- 13.4 All decisions and enforcement actions taken by the licensing authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.
- 13.5 The licensing authority will continue to employ officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with West Mercia Police and other relevant partners in enforcing licensing legislation.
- 13.6 The licensing authority is happy to investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 13.7 Where a person has made a complaint then the licensing authority may initially arrange a mediation meeting to try and address, clarify and resolve the issues of concern. This process will not override the right of any person to ask the licensing authority to review a licence or certificate or for any licence/certificate holder to decline to participate in a mediation meeting.

14.0 Integrating Strategies and Partnership Working

- 14.1 The Council regards its licensing function as the most appropriate tool in ensuring that the licensing objectives are promoted and will avoid, as far as is possible, any duplication with other regulatory regimes and legislation.
- 14.2 Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:
- Local crime prevention strategies;
 - Needs of the local tourist economy;
 - Any cultural strategy for the area;
 - Employment issues in the area;
 - Any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
 - Local relevant partnerships and their objectives.

15.0 Equal Opportunities

- 15.1 The Equality Act 2010 places a legal obligation on the licensing authority 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. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 15.2 The licensing authority will look to discharge this duty by making arrangements where appropriate to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.

16.0 Administration, Exercise and Delegation of Functions

- 16.1 One of the major principles underlying the Licensing Act 2003 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.
- 16.2 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 16.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness, these are delegated to officers. Attached at Appendix A to this licensing policy is a table of delegated functions setting out the agreed delegation of decisions and functions to the Council's Licensing Committee, Sub-Committees and officers.
- 16.4 These delegations are without prejudice to officers referring an application to a Sub-Committee or the Licensing Committee if considered appropriate in the circumstances of the case.

17.0 Relationship with Planning

- 17.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 17.2 There is no legal basis for the licensing authority to refuse a licence application because the relevant premises does not have planning permission, or where there are conditions on the relevant planning permission.
- 17.3 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

18.0 Temporary Event Notices

- 18.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the licensing authority, police and environmental health. The police and environmental health can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 18.2 The law states that for a standard temporary event notice, at least ten working day's notice must be given but the licensing authority recommends that, wherever possible, at least two month's notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 18.3 Organisers of temporary events are strongly advised to contact the licensing authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 18.4 Since 25 April 2012 it has been possible for individuals to serve a very limited number of "late" temporary event notices each year, providing that these are served on all relevant parties at least five working days before the day on which the event is due to begin.
- 18.5 However event organisers should be aware that a late temporary event notice can be prevented by a single objection from the police or environmental health and there is no right to a hearing in such circumstances.
- 18.6 Therefore late temporary event notices should normally only be served in exceptional circumstances, such as when an event has to be postponed and rearranged at short notice due to adverse weather conditions. The licensing authority does not expect late temporary event notices to be served simply on the basis that the event organiser has been disorganised in addressing the licensing arrangements for their event.

19.0 Live Music Act 2012 and other Entertainment Licensing Deregulation

- 19.1 The Live Music Act 2012 came into force on 1st October 2012 and is 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
- 19.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing, conditions following a review.
- 19.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 19.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- a performance of a play in the presence of any audience of no more than 500 people
 - an indoor sporting event in the presence of any audience of no more than 1000 people
 - a performances of dance in the presence of any audience of no more than 500 people

20.0 Sexual Entertainment Venues

- 20.1 The Council may adopt a policy in relation to sex establishments, including sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. This policy may include standard conditions attached to such licences. Where there are similar conditions attached to licences under both regulatory regimes, the more onerous will apply.
- 20.2 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Any concerns related to the provision of occasional sexual entertainment may still lead to a review of the relevant premises licence or club premises certificate and the imposition of conditions.
- 20.3 Any premises that wants to provide sexual entertainment under the exemption must still be authorised under the Licensing Act 2003 for the performance of dance and the playing or recorded music.

21.0 Early Morning Alcohol Restriction Orders (EMROs)

- 21.1 The power to introduce an EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 21.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 21.3 Before introducing an EMRO the licensing authority must be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement will be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 21.4 The licensing authority will normally only consider the use of EMROs as a last resort in dealing with recurring problems and will always consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.
- 21.5 It is recognised that there are other measures that could be taken instead of making an EMRO which include:
- introducing a special policy on cumulative impact;
 - reviewing licences of specific problem premises;
 - encouraging the creation of business-led best practice schemes in the area; and
 - using other mechanisms set out in the Secretary of State's Guidance to Licensing Authorities under Section 182 of the Licensing Act 2003.
- 21.6 The licensing authority is not currently satisfied that it is appropriate to make any EMROs.

22.0 Late Night Levy

- 22.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 22.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 22.3 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period. Therefore, at this stage, the licensing authority does not believe that the levy will generate enough revenue to make it an appropriate option in its area.
- 22.4 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 22.5 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 22.6 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.
- 22.7 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 22.8 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

23.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees

- 23.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the licensing authority must suspend premises licences and club premises certificates if the holder of the relevant authorisation fails to pay their annual fee.
- 23.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period will be used by the licensing authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 23.3 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 23.4 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.
- 23.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

Appendix A - Table of Delegated Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If the police give an objection notice	If no objection notice is given by the police.
Application for premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made
Application for provisional statement		If relevant representations are made	If no relevant representations are made
Application to vary premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made
Application to vary designated personal licence holder		If the police give an objection notice	If no objection notice is given by the police.
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied		If a police representation is made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If the police give an objection notice	If no objection notice is given by the police.
Application for interim authority		If the police give an objection notice	If no objection notice is given by the police.

Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision for licensing authority to act in their capacity as a responsible authority			All cases
Acknowledgement of receipt of a temporary events notice			All cases
Determination of a police or environmental health objection to a temporary event notice		All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee.			All cases

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COMMITTEE**28th July 2014**LICENSING ANNUAL REPORT**

Relevant Portfolio Holder	Councillor Rebecca Blake
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To provide a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing and to inform the Committee on any issues anticipated in the ensuing year as required under the Council's Licensing Act 2003 and Gambling Act 2005 Policies.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

The contents of the licensing Annual Report 2013/2014 be noted.

3. KEY ISSUES**Financial Implications**

3.1 None.

Legal Implications

3.2 None

Service / Operational Implications

3.3 Since 1st June 2010 Worcestershire Regulatory Services Licensing Team has taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Redditch Borough Council. These functions cover premises which sell and supply alcohol, provide regulated entertainment and late night refreshment, gambling premises, gaming machines and lotteries. The Licensing Team also deals with the operation and administration of Hackney Carriage/Private Hire vehicles, drivers and Operator's licenses, Street and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

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- 3.4 Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority is required to prepare and publish a licensing policy which has to be reviewed every five years. At the end of 2010 the review of the Licensing Act 2003 policy was completed with only minor changes having been made. The Gambling Act 2005 policy was reviewed during 2012 again with only minor amendments. It is anticipated that future reviews will further align the policies of the partner Councils.

Licensing Act 2003

- 3.5 The Licensing Act 2003 transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.
- 3.6 The number of new licenses issued and granted by Redditch Borough Council in the year 2013/2014 are:

Personal Licenses	New	34	Total	633
Premises Licenses	New	13	Total	239
Club Premises Certificates	New	0	Total	24
Temporary Event Notices			Total	84

- 3.7 The Licensing Sub Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, met on five occasions during the year 2013/14 all within the statutory time limits. Four of these hearing were in relation to new applications for premises licences where objections could not be mediated out and the other hearing was to consider an objection to a Temporary Event Notice.

Gambling Act 2005

- 3.8 Last year saw the continued implementation of the Gambling Act 2005. It replaced most of the existing law relating to gambling in Great Britain and much like the Licensing Act 2003 aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

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- 3.9 The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are:

Betting Premises	New	1	Total	11
Bingo Premises	New	0	Total	2
Adult Gaming Centres	New	0	Total	3
Family Entertainment Centres	New	0	Total	0
Casinos	New	0	Total	0

- 3.10 Again all yearly maintenance fees as set out in the Gambling Act 2003 which have been set by the Local Authority for the year ending 2013/14 have been received by the Authority.

Taxi Licensing

- 3.11 The Licensing Team is also responsible for the operational function of the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, drivers and Operators.

- 3.12 The number of licensed vehicles and drivers has remained fairly consistent and at present the following number of licenses are valid.

	12/13	13/14
Hackney Carriage Vehicles	202	201
Private Hire Vehicles	156	146
Dual Hackney Carriage/Private Hire Drivers	432	435
Private Hire Operators	12	12

- 3.13 At the Licensing Committee meeting on 11th November 2014 the Council introduced a requirement that all new applicants for driver licences would have to undertake disability awareness training conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training. The Committee also resolved that with effect from 1st July 2014, any driver renewing their licence must have undertaken similar training.

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- 3.14 Training courses began to be offered in January 2014 and to date 105 drivers have undertaken the training. Additionally there have been a large number of drivers who have evidenced that they have undertaken equivalent training, for example as part of them obtaining an NVQ in Road Passenger Transport.

Scrap Metal Dealers

- 3.15 In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The Council has issued the following number of licences to date:

Site Licences 6

Mobile Collector Licences 24

- 3.16 The Licensing Team has been enforcing the new legislation in partnership with the Police and Environment Agency.
- 3.17 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Redditch Borough Council at a number of local and regional meetings, such as the Institute of Licensing meetings, the Regional Taxi Licensing Forums and other neighbouring authority groups, which continue to prove to be invaluable, on providing information on national and regional licensing matters inclusive of upcoming changes in any licensing legislation.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- 5.1 None

AUTHOR OF REPORT

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**LICENSING
COMMITTEE****28th July 2014****LICENSING COMMITTEE WORK PROGRAMME 2014/15****28th July 2014**

- Licensing Act 2003 - Review of Statement of Licensing Policy
- Licensing Annual Report to include:-
 - an overview of the broad scope of Licensing activities undertaken by the Council.
 - Disability Awareness Training - update
- Face to Face Fundraising – Site Management Agreement (PRFA) (Charity Street Fundraisers, verbal update)

3rd November 2014

- Scrap Metal Dealers Act 2013 Policy (including suitability)
- Face to Face Fundraising – Site Management Agreement (PRFA) (Charity Street Fundraisers, Final report)
- Animal Welfare Licence conditions review
- Implications of the Deregulation Bill

2nd March 2015

- Review of Statement of Gambling Principles

To Be Allocated To Suitable Available Dates

- Draft Sex Establishment Licensing Policy
- Hackney Carriage and Private Hire Policies (depending on Deregulation Bill)

