

**Melton  
Borough  
Council**

**Licensing Act 2003  
Statement of Licensing Policy**

**January 2011**

**DRAFT**

# 1. Introduction

## Purpose

1.1 This Statement of Licensing Policy explains how the Licensing Authority will carry out its role under The Licensing Act 2003, during the next three years. During this period the Licensing Authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

It will also:

- be used as a guide by members of the Licensing Authority in their decision making;
- inform applicants about how applications will be reviewed and how a licensed premise is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

## Consultation

1.2 In developing this statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views.

- The police
- The fire authority
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing businesses and residents in its area
- Other groups that the licensing authority considers appropriate.

## Licensable Activities

1.3 The licensable activities are:

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

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoors and outdoors)
- A performance of live music (not incidental music, i.e. a piano in a restaurant)
- Any playing of recorded music
- A performance of dance
- Similar types of entertainment.

## **2. Fundamental Principles**

### **Background**

2.1 This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision-making process.

### **The Licensing Objectives**

2.2 The Licensing Authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

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

### **Balance**

2.3 The Licensing Authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

2.4 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Licensing Act 2003.

### **Relevancy**

2.5 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and the direct impact of the activities taking place at the licensed premises and in the immediate vicinity of those premises. Applicants should consider factors arising from the premises

or the activity of their customers within the vicinity of their premises that may impact on the licensing objectives, and consider steps within their operating schedule to minimise this impact. In order to assist applicants in considering appropriate conditions there is a Pool of Model Conditions available. ~~attached to this policy.~~

### **3 Use of Council's own premises and cultural diversity**

- 3.1 There is a provision whereby a local authority can license itself in respect of public places within their community. Where this is done, performance and entertainers have no need to apply for a premises licence, but merely require the permission of the local authority. Such an arrangement would help the local authority to promote cultural diversity. This Council would pursue such a policy. The Council will make the necessary arrangements to ensure that the officers or Committee will make decisions under this part of the policy as with all parts from a strictly neutral and objective standpoint.

### **4 Cumulative Impact**

- 4.1 The Licensing Authority recognises that there can be confusion about the difference between "need" and "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. "Need" can be a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.
- 4.2 In certain situations the number, type and distribution of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual areas, the Licensing Authority may consider that an area has become saturated. In these circumstances, where representations are made from a responsible authority such as the police or interested party, such as local residents, the Licensing Authority may consider whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. If this is the case it may adopt a special saturation policy, which would allow it to refuse new licences because the area in question is already saturated with licensed premises.
- 4.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it would continue to consider each application properly on its merit and for licences that are unlikely to add significantly to the problems of saturation would be approved.
- 4.4 The Authority in considering whether to adopt a special saturation policy will take the following steps:

- Identification of serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder
  - Assessment of the causes
  - Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area
  - Adopting a special policy, as provided for in this statement, about future licence applications from that area.
- 4.5 When considering whether to refuse an application because of a special saturation policy, it will be for an objector to a particular application to lay the necessary evidence that the granting of the licence would produce the cumulative impact as described above. The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 4.6 The authority will review any special saturation policy every 3 years in line with a review of this policy statement.
- 4.7 Any special saturation policy will not be used to:
- removing a licence when representations are received about problems with an existing licensed premises;
  - justifying the rejection of modifications to a licence except where those modifications are directly relevant to the policy; and
  - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.
- 4.8 Existing licence holders and applicants should be cognisant of the concern raised by the consultation exercise over the possible saturation of certain areas of the town centre.
- 4.9 The Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues for instance:
- Planning controls
  - Policy enforcement of the normal law concerning disorder and anti-social behaviour
  - Powers of the Local Authority to designate parts of the local authority area as places where alcohol may not be consumed publicly
  - Prosecution of any personal licence holder or member of staff at premises who is selling alcohol to people who are drunk
  - The confiscation of alcohol from adults and children in designated areas
  - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Local Authority

- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.

## **5 Special Policy on Cumulative Impact**

- 5.1 *Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and following the necessary consultation, the Licensing Authority has determined that a special policy should apply in respect of Melton town centre. For the purposes of this policy the town centre is defined as that bound by Norman Way, Thorpe End, Sherrard Street, Leicester Street and Wilton Road, but also including Burton Street Church Street and Park Lane. Premises fronting these roads are deemed to be within this area.*
- 5.2 *The Licensing Authority is mindful of the problems that can be created when large numbers of premises providing licensable activities are located in close proximity. To that end, as part of the council's Statement of Licensing Policy consultation, Leicestershire Constabulary have asked the Council to consider adopting a specific policy on cumulative impact i.e. the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.*
- 5.3 *This Policy, however, will not be used as grounds for revoking an existing licence or certificate where relevant representations have been received.*
- 5.4 *This area has been identified because the Licensing Authority believes that the cumulative impact of the concentration of licensed premises in this area is adversely affecting the promotion of the crime and disorder licensing objective.*
- 5.5 *Within this area there are a significant number of licensed premises, and although these have staggered closing times it still leaves large numbers of people on the streets late at night. The Licensing Authority takes the view that the principle problem is caused by the number of people attending licensed premises in the area where there is movement from these properties and to and from the hot food takeaways. The Licensing Authority believes that a cumulative impact policy in this area supports and assists initiatives in reducing crime and disorder. Accordingly the Licensing Authority will resolve to adopt a policy which will seek to prevent a further increase in the number of licensed premises within that area.*
- 5.6 *The effect of the special policy will be to create a rebuttal presumption that applications for new premises licences or club premises certificates or material variations will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their Operating Schedule.*

- 5.7 The area of the special policy is marked on the Map at Appendix 1.
- 5.8 Evidence was provided by Leicestershire Constabulary and is summarised at Appendix 2.

## **6. Licensing Hours**

- 6.1 In making decisions that relate to the hours for which a premises is licensed, consideration will be given to the *four* licensing objectives ~~of the prevention of crime and disorder and the prevention of public nuisance~~. Each case will be decided on its individual merits.
- 6.2 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 6.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 6.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation.
- 6.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

## **7. Promotion of the Licensing Objectives**

- 7.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:
- Granting or refusing applications for licences;
  - Reviewing licences;
  - Imposing conditions;
  - Deciding how to integrate its role with other strategies of the Council.
- 7.2 Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable

them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Crime and Disorder – Leicestershire Police
- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the local authorities Environmental Health Officers with responsibility for Health and Safety
- Public Nuisance – the Local Authorities Environmental Health Officers with responsibility for pollution control
- Protection of Children from Harm – Leicestershire Police, the Local Authorities' Social Services Department.
- *Leicestershire Trading Standards.*

7.3 Applicants know their premises best and will be expected to address the concerns that relate to the individual style of the premises and activities set out in their operating schedule. This Licensing Authority will also consider requests made by responsible authorities that the following conditions be applied to licences:

#### Premises Licensed for the Sale of Alcohol

- Prohibiting the sale of alcohol in bottles for consumption on the premises to prevent their use as weapons.
- Prohibiting alcohol in open containers being taken from premises.
- Requiring drinking vessels to be plastic or toughened glass.
- Prohibiting irresponsible drinks promotions
- Requiring CCTV
- Requiring the provision of text pagers to connect premises supervisors to the police in premises located in town and city centres.
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving and leaving the premises.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales (including staff training, training records and customer awareness of the scheme).

#### Premises Licensed for Regulated Entertainment

- Setting of a capacity limit.
- The provision of staff to control admission and to control the public inside the premises.
- Appropriate measures to prevent nuisance from the premises including sound insulation, and noise limiting devices.
- The exclusion of children from unsuitable entertainment and films with age restriction classifications.

#### Cinemas and Theatres



- Appropriate measures to promote public safety in respect of the nature of these venues.

### Dance Venues

- Appropriate measures to prevent drugs misuse
- The introduction of a policy on searches of customers on admission
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of air conditioning and ventilation
- The permanent availability of drinking water
- Appropriate measures to combat overheating.

### Public Nuisance

- Limitation on hours of operation where necessary to prevent nuisance and disturbance
- Measures to reduce noise and vibration emissions from premises
- Measures to prevent noxious smells
- Measures to reduce light pollution.

7.4 Licensees are key partners in working towards the promotion of the Licensing Objectives. In completing their Operating Schedules applicants will be expected to consider whether to put suitable and sufficient measures in place to promote those objectives. These measures would be relevant to the individual style and characteristics of the premises and activities.

7.5 The Licensing Authority may consider the application only when well-founded representations are received. It will pay particular attention, at any hearing, whether to impose extra conditions in addition to those already included in the Operating schedule with a view to promoting the licensing objectives. Applicants or the Licensing Authority may refer to the Pool of Model Conditions when considering conditions to promote the four licensing objectives.

## 8. Children

### **General**

8.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take particular account of representations made by the Social Services, the Child Protection Agency or any other specialist consultees on each application.

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

8.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where there has been an association with drug taking or dealing
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).

8.4 Conditions will not be imposed that require no admission of children. This will remain a matter for the discretion of the licensee.

8.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present
- Age limitations (below 18)
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- In exceptional cases, exclusion of people under 18 from the premises when any licensable activities are taking place.

### **Children and Cinemas**

8.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

### **Children and Public Entertainment**

8.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The minimum number of staff required will be 1 for every 50 children or part thereof. The licensee should make an assessment of whether additional staff are required, taking into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

8.8 In the consultation particular concern was expressed about ensuring adequate supervision of children and applicants may not rely upon 1 supervisor for 50 children as a guide particularly where younger children are

concerned. The Licensing Authority will refer to supplementary guidance wherever appropriate.

## **Proof of Age Cards**

8.9 The Licensing Authority supports the adoption of proof of age cards as a means of preventing under-age drinking. It recommends that any premises licensed to sell alcohol requires proof of age from any person where there is any doubt as to whether they are over 18. The Licensing Authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium. ~~Following local consultation~~ This ~~was~~ is seen as particularly relevant to premises selling alcohol for consumption off the premises.

## **9. Integrating Strategies**

9.1 The Licensing Authority will seek to achieve integration with the following strategies and will consult with the appropriate organisations to achieve this.

- Crime Reduction Partnership
- Planning
- Transport
- Tourism
- Cultural Strategy
- Employment
- Race Equality
- Disabled Access.

## **10. Licensing and Planning**

10.1 The Licensing Authority will see to it that planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal.

## **11. Duplication**

11.1 The Authority will avoid duplication with other regulatory regimes (e.g. Health and Safety at Work Act) insofar as attaching conditions to premises' licences and club premises' certificates.

11.2 Conditions will only be attached where they are "necessary" for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

## **12. Standardised Conditions**

- 12.1 This Authority will only attach to premises' licences and club premises' certificates those conditions that are tailored to the individual style and characteristics of the premises and the events concerned and where they are necessary for the achievement of one or more of the four licensing conditions.
- 12.2 However, to aid administration, attached to this statement at the annex is a pool of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances.
- 12.3 A number of conditions are mandatory and are required to be applied to licences. These relate to the requirement for a designated premises supervisor where alcohol is to be sold, preventing underage admission to age restricted films and the requirement that door supervisors are registered with the Security Industry Authority. These are set out in Sections 19, 20 and 21 of the Act.
- 12.4 *The Policing and Crime Act 2009 introduced further Mandatory Conditions which will be imposed on all premises licences. These relate to irresponsible drinks promotions, free tap water, the dispensing of alcohol directly into the mouth, age verification and the availability of small measures for beers wines and spirits*

## **13. Personal Licences**

- 13.1 This Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. Therefore this Licensing Authority considers it good practice for personal licence holders and in particular Designated Premises Supervisors to have significant operational involvement in the sale of alcohol rather than to undertake remote authorisation of other staff. This means to be available for consultation throughout the day where possible.

## **14. Enforcement**

- 14.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.
- 14.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 14.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the Licensing Authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.
- 14.4 Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in this Statement of Policy, and the requirements of the Licensing Act itself
- Protect public safety
- Prevent nuisance
- Prevent crime and disorder
- Protect children from harm
- Identify unlicensed activities
- Respond to complaints and representations from relevant individuals and responsible authorities
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug abuse.

## **15. Live Music, Dancing and Theatre**

15.1 The Licensing Authority will ensure that when it considers licences for entertainment involving live music, dancing and theatre it will act so as to promote the licensing objective of preventing public nuisance.

15.2 The Licensing Authority recognises that there is a need to encourage and promote live music, dancing and theatre because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

## **16. Delegation of Functions**

16.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions
- The review of a premises' licence or club premises' certificate.

16.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence
- Application for a premises licence or club premises certificate
- Application for a provisional statement
- Application for variation to a premises' licence or club premises' certificate
- Application to vary a designated personal licence holder
- Application for transfer of a premises licence
- Application for interim authority
- The determination of a temporary event notice.

16.3 The Licensing Officer will determine all other matters.

- 16.4 The Licensing Authority will ensure that all Members appointed to serve as members on the Licensing Committee and any of its panels will have undergone appropriate training before they act in that capacity.

## **17. Temporary Event Notices**

- 17.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the Chief Officer of Police, 10 working days before the event. The Chief Officer of Police may object to the event if he is satisfied that the crime prevention objective would be undermined.
- 17.2 The Licensing Authority considers that it is important that the police have sufficient time to evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had taken place.
- 17.3 Whilst the Licensing Authority recognises that 10 working days is the minimum notice that may be given in respect of temporary event notices, the licensing authority would encourage such notices to be given as a minimum 28 days before ~~and as a maximum 8 weeks before~~ such an event is due to take place.

## **18. Period of Validity and Review**

- 18.1 This Statement of Licensing Policy will come into force on 7 January 2011 and is valid for three years.
- 18.2 The Policy will be kept under review during the period of validity and if necessary amendments made.
- 18.3 Before a new Policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

## **19. Contacts**

- 19.1 Anybody wishing to contact the Licensing Authority with regard to this Policy Statement can do so as follows:

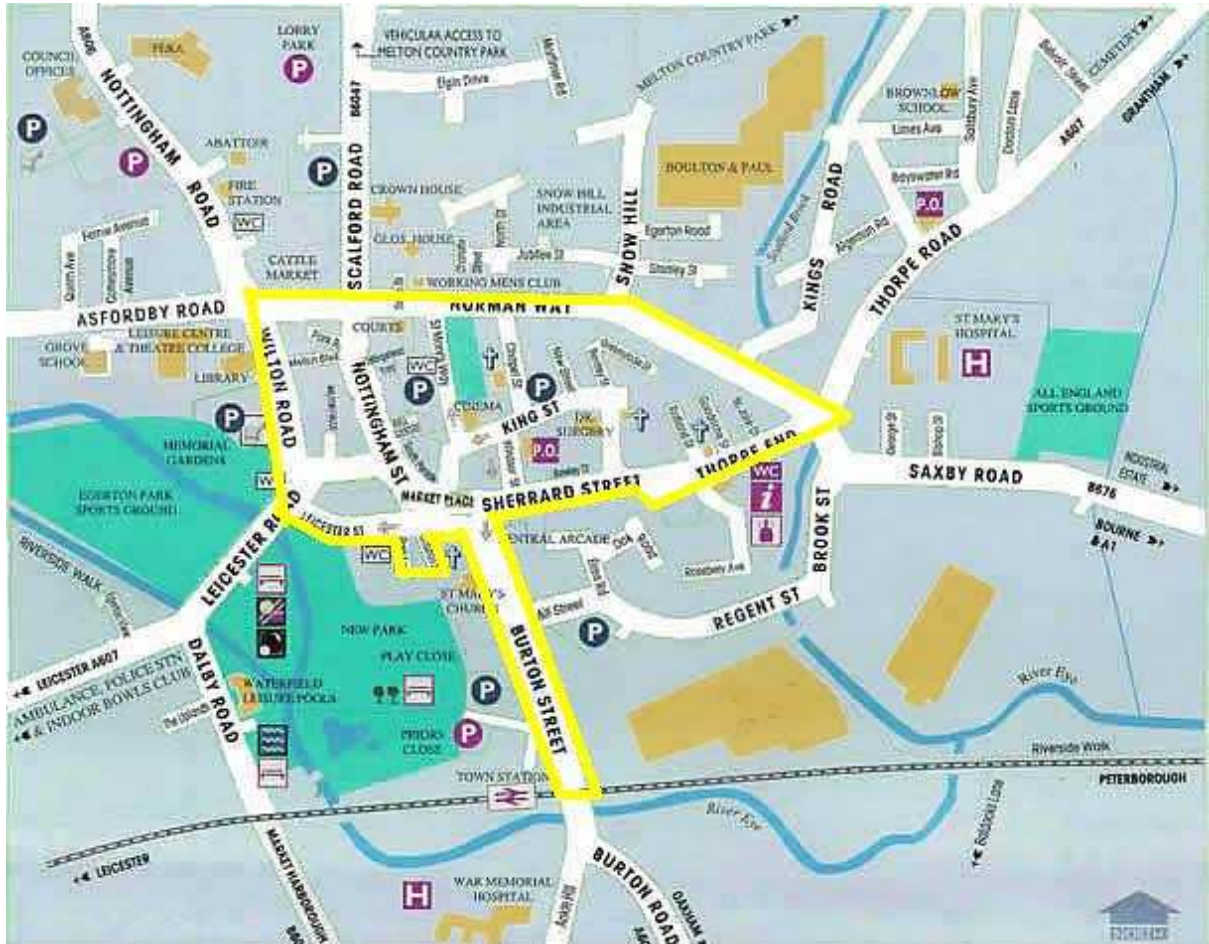
In writing to: The Licensing Officer  
Melton Borough Council  
Council Offices  
Nottingham Road  
Melton Mowbray  
Leicestershire  
LE13 0UL

Telephone: (01664) 502502

Fax: (01664) 410283

E-mail: [licensing@melton.gov.uk](mailto:licensing@melton.gov.uk)

# Appendix 1 Melton Mowbray Cumulative Impact Policy Map of Area



## Appendix 2 Evidence from Leicestershire Constabulary.

### Incidents in Melton Mowbray Beat N41 Over the Period July 2009 to June 2010

The incident data was taken from the Insight2 database.

Selected ASB, Public Order / Safety and Violent Incident types that occurred in Melton Mowbray town centre Beat N41 between 20:00 and 05:00 over the period 1<sup>st</sup> July 2009 to 30<sup>th</sup> June 2010 are shown in the table below.

<b>Incident Type</b>	<b>No. of Incidents</b>
Rowdy or Inconsiderate Behaviour	139
Violence	68
Concern for Safety	75
Civil Disputes	2
Malicious Communications	1
Collapse / Illness / Injury / Trapped	18
Licensing	0
Robbery	0
Totals	303

A hot-spot identification methodology using the combined geographical co-ordinates of the incidents and the incident location text identified the following top 10 commercial premises (mainly licensed) that were mentioned in the incident location text:

<b>Name of Premises</b>	<b>No. of Incidents</b>
Kings Head Hotel	29
White Lion PH	19
Tubes Night Club	17
Roadhouse Night Club	11
The Curry Hut	5
Half Moon PH	4
Cutting Room PH	4
Grapes PH	4
Tescos, Thorpe Rd	4
Spice Club	2
Totals	99