



Rural Capital of Food

Agenda

Meeting name	Licensing Panel
Date	Tuesday, 11 July 2017
Start time	9.30 am (Member Pre-Meet 9am Warwick Room)
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray. LE13 1GH
Other information	This meeting is open to the public

Members of the Licensing Panel are invited to attend the above meeting to consider the following items of business.

Lynn Aisbett
Chief Executive

Membership

Councillors P. Cumbers J. Hurrell
 D. Wright J. Wyatt

Quorum: 3 Councillors

Meeting enquiries	The Licensing Team
Email	licensing@melton.gov.uk
Agenda despatched	Monday, 26 June 2017

No.	Item	Page No.
1.	ELECTION OF A CHAIRMAN	
2.	APOLOGIES FOR ABSENCE	
3.	DECLARATION OF INTEREST	1 - 2
4.	MINUTES To approve the minutes of the Licensing Panel held on 9 th August 2016 & 16 th March 2017	3 - 14
5.	TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE FOR 13 WINDSOR STREET, MELTON MOWBRAY LE13 1BU The Head of Regulatory Services to submit a report with the recommendation to determine this application for a Premises Licence having regard to all the information provided by the applicant and the representations by interested parties, taking into account this Council's Statement of Licensing Policy.	15 - 64

Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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LICENSING SUB-COMMITTEE

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

9th AUGUST 2016

PRESENT

Councillors J Wyatt (Chairman)
J Hurrell, E Holmes

Officers:
Licensing Officer (AY)
Legal Officer (SP)
Administration Assistant (LT)

Applicant
Applicant's Representative

Interested Party

LSC18. ELECTION OF A CHAIRMAN

Cllr E Holmes proposed election of J Wyatt
Cllr J Hurrell seconded. Vote was Unanimous
Cllr J Wyatt was elected.

LSC19. APOLOGIES FOR ABSENCE

None

LSC20. DECLARATIONS OF INTEREST

None

LSC21. APPLICATION FOR PREMISES LICENCE (LICENSING ACT 2003) –
THE VINES, 43 BURTON STREET, MELTON MOWBRAY

Chairman's Introduction

The Chairman introduced himself and the other Members on the Panel. He asked if there were anyone in the room who was aware of any reason for any of the Members on the panel not to take the Sub-

Committee, to which there were none. He introduced all who were in attendance and the procedure of the Licensing Sub Committee was read out. The Chairman then asked the Licensing Officer to present the Application and Report.

The Licensing Officer's Report

The Licensing Officer summarised the content of her report and stated the purpose of the Sub-Committee was to determine an application by the Applicant for a Premises Licence to allow for the provision of Licensable Activities at a proposed restaurant and cocktail bar named, The Vines, at 43 Burton Street, Melton Mowbray.

The Licensing Officer stated that the Sub-Committee was required as one relevant Representation was submitted during the statutory consultation period.

She highlighted the current Statement of Licensing Policy and Cumulative Impact Policy. She advised on the four Licensing Objectives which underpin the functions that the Authority would perform and must be overriding in any decisions that were made in relation to this or any other Licensing Application.

She summarised the additional information received prior to the Sub-Committee explaining that during the initial consultation period conditions were agreed with Melton Borough Council's Environmental Health. However, after the close of consultation on 13 July 2016, further discussion was had between Melton Borough Council's Environmental Health and the Applicant's Representative. It was during the course of these communications the agreed conditions were amended. Following on this, on 4th August 2016, the applicant's representative submitted by email, these amended conditions titled "proposed conditions" along with some additional information. This information was circulated by email to Members and Interested Party. A further submission of two more letters of support had been submitted on the day of the Sub-Committee by the applicant's representative and these were circulated to Members and Interested Party, with an equal amount of time, prior to this Sub-Committee. Spare paper copies were available at the Sub-Committee, if required. The Licensing Officer asked if all parties were happy for the additional information to be included, to which all agreed.

The Licensing Officer asked the Applicant and his Representative for clarification as to whether the original Operating Schedule at part M of the application at Appendix A was replaced by the "proposed conditions" which were provided on 4th August, to which the Applicant's Representative replied yes.

The Chairman asked if the Applicant/ Applicant's Representative could present their statement.

The Applicant/ Applicant's Representative Statement

The Applicant's Representative summarised the Applicant's business background, how he was a local man with a Taxi firm and he was the Director of his Company alongside his Daughter. He mentioned a Pub the Applicant owned which was also in the Cumulative Impact area and stated that this Pub was a well-run Premises. The proposed Premises was a vision of the Applicant who saw a need for an upmarket Bar targeted to an audience of around the ages of thirty up and he believed that the Application was not in itself excessive. It was proposed that the Premises be part Restaurant, part Bar. He thought that if the proposed Premises was going to be a nuisance the Police would have objected and that Environmental Health had agreed conditions. He mentioned that out of all those who could have made a Representation only one Representation was made. The Premises which is above the proposed Premises was marketed as office space and it had not been marketed as Residential yet. He believed that whether there may or may not be residential area there in the future, it should not affect how the Application was decided. The Applicant's Representative referred to the Environmental Health conditions; they would be a zero tolerance, background noise could be tweaked to the Representatives to fit with their own development, to ensure that people are taken away by taxi etc. from the establishment and propose no cigarette wastage or cooking smell.

The Applicant's Representative referred to the Cumulative Impact policy and added the proposed premises would not add to crime and disorder or nuisance. The style of the proposed premises was different to that of anywhere in Melton. Its proposed layout would be mostly seated, with over half the area as a Restaurant. He mentioned the Melton Mowbray BID Bus which would also help to remove people from the area. A Director of the company would be the Designated Premises Supervisor, who was described as a quality manager and supported by the written letters of support describing her many years' experience managing a successful business.

The Applicant added that this proposed premises licence came about because of the lack of places of this kind locally to sit and relax. He would hope to be able to make that happen and create something that would also fit in to the licensing objectives.

The Applicant's Representative mentioned that at the Applicant's Pub which he currently owns, there were five personal alcohol licence holders and they would expect to have more at the this Premises.

Questions to the Applicant/Applicant's Representative

The Members asked for clarification on the layout of the building, the Applicant's Representative stated that the bottom/ground floor is the area for the proposed Premises and has a different leaseholder to the first and second floors which is owned by the Interested Party.

A Member enquired about lagging of the property, to which the Applicant's Representative said it was to do with planning and would fall to the owner of the other floors.

A Member asked if the above office space was vacant at present, to which the Applicant's Representative said for about three years.

A discussion took place about parking spaces, it was resolved that there had been a dispute between leases in the past but there was approximately two car park spaces that belong to the proposed Premises and approximately four car parking spaces for the office space above.

Interested Party Statement

The Interested Party stated that although she had a legal training she was not acting in a legal capacity. She referred to the Cumulative Impact policy, section 5.2 and section 5.6 and requested that the Sub-Committee uphold the recently validated policy and hoped that the application would be refused based on the guidance.

The Interested Party said she had further statement to make depending on outcome of the decision; a discussion ensued and it was resolved and asked to continue with her statement by the Chair as a decision would not be determined at this point.

The Interested Party mentioned she had not gathered supporters for her representation as wasn't aware until the Friday before the Sub-Committee that this was possible. The supporter letters for the Applicant did not reference the street itself, no in support letters from someone who lives in the on the street. The letters of support were inconsistent in what the supporters were referencing and unsure as to what they had been shown; some of the letters were from businesses who were not open past 5pm and some were not from Melton. None of the letters of support were referenced late night music and compared to the population of Melton Mowbray the amount of supporters were invisible.

She asked the Sub-Committee to consider Need versus Cumulative Impact and referenced the Licensing Objectives, and was concerned

what had been discussed with responsible authorities and that there did not appear to have any reference to preventing crowding or staff controlling admission, security on the door and no mention of volunteer CCTV, no offer to under 21 scheme and Protection of Children from Harm. The Interested Party was concerned about how the Applicant would go about managing two locations. To which the Applicant's Representative mentioned that in the Applicant's Representative statement there were references to protection of Children from Harm and there were five or more proposed personal alcohol licenced individuals.

Summaries from both parties

The Interested Party summarised her Representation and referenced other businesses similar to the proposed that had failed, and was concerned that with her property for sale and that if this failed it would be too late for her sale. She was concerned about noise, no sound proofing and had raised this with the shop that were there before and the Agents but had not gotten far with it.

The Chairman asked if the Applicant/ Applicant Representative would like to add or summarise to give equal time to both parties.

The Applicant's Representative summarised that they thought having a good strong management in place would help; the references made by supporters are to the character of the Designated Premises Supervisor. After the Notice going up and advertisement of proposed premises only one representation had been made. The Applicant's Representative stated the Applicant would be putting the licensing objectives first and foremost. Environmental Health was the only Responsible Authority that wanted to put conditions on licence. He spoke about Fire Regulations and Toilets were under different legislations. With regards to noise, that it would be the developer's responsibility to ensure it was sound proof. There is not a condition on the grapes to do with CCTV, if the police thought it was needed they would have put condition on.

The Applicant's Representative said that having a Personal Alcohol Licence does not stop things from happening, good management and training will. The Premises would be a different type of venue, not a takeaway like many are in that area. Protection of children from Harm is covered. The Applicant added that some of the staff are DBS checked through there other employment links and have had a letter of commendation from the Police.

The Interested Party added that she would hope the Sub-Committee did not deviate from the Cumulative Impact policy in this case.

The Legal Officer asked how many residents lived on the street of the proposed premises, to which the Licensing Officer replied she did not know.

A discussion ensued about pubs.

The Licensing Officer clarified that all parties had had the same time.

The Applicant's Representative summarised that it is right to grant the application and that everyone has seen the documents and seen how the Grapes have operated without issue or adversary. The Residential area is not there and cannot make decision on whether this may or may not happen.

The Interested Party spoke about the property being marketed as Residential and if they did grant the application urged the Sub-Committee to look at the opening hours etc.

The Legal Officer said that when the Sub-Committee determine the decision it would have nothing to do with planning. A discussion ensued that if the premises licence was granted would the Applicant then need to go to planning etc. The Licensing Officer replied that the licence would separate to any planning etc.

The Chairman adjourned the Sub-Committee at 11.16.

The Sub-Committee recommenced at 12:46, to which the Chairman thanked everyone and handed over to the Legal Officer for the Decision.

The Legal Officer summarised the findings of facts and **RESOLVED** that the Premises Licence be granted with conditions set by Environmental Health. The Legal Officer advised all parties of the 21 days to Appeal.

LS22. ANY OTHER BUSINESS

None

The Chairman thanked everyone and closed the meeting.

The meeting closed at 11:50.

Chairman



LICENSING PANEL

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

16th MARCH 2017

PRESENT

Councillors T Greenow (Chair)
P Cumbers, J Wyatt

Officers:

Licensing & Compliance Officer (Business Advisor: Licensing) (AY)
Licensing & Compliance Officer (Business Advisor: Licensing) (SG) (Shadowing)
Legal Officer (SK)
Administration Assistant (LT)

Applicant

Applicant's Representative 1 (AR1)
Applicant's Representative 2 (AR2)

Representative 1
Representative 2

LP1. ELECTION OF A CHAIRMAN

Cllr Wyatt proposed election of Cllr Greenow.
Cllr Cumbers seconded. Vote was unanimous.
Cllr Greenow was elected.

LP2. APOLOGIES FOR ABSENCE

Cllr Holmes

LP3. DECLARATIONS OF INTEREST

A Member of the panel advised of a possible interest. A discussion took place as to whether there was a declaration of interest or prejudicial interest. During this time, the Legal Officer read out the advice on Members' interests and a Member was then asked, after hearing the advice if they had a prejudicial interest to which they answered no. The Legal Officer asked the all parties involved if they were happy to continue with the panel, having heard the discussion, to

which both parties agreed. The Legal Officer asked for it to be noted that no personal prejudicial interest considered.

LP4. APPLICATION FOR PREMISES LICENCE (LICENSING ACT 2003) – GORAL POLISH PUB, SANDY LANE, MELTON MOWBRAY

The Chairman introduced themselves and the other Members on the panel. The Chairman asked if there was anyone in the room who was aware of any reason for any of the Members to not take part on the panel, to which there were none. The Chairman introduced all who were in attendance and read out the procedure of the Licensing Panel. The Chairman then asked the Licensing & Compliance Officer to present the application and report.

The Licensing and Compliance Officer summarised the content of their report and stated the purpose of the panel was to determine an application by the Applicant for a Premises Licence to allow for the provision of licensable activities at Goral Polish Pub, Sandy Lane, Melton Mowbray.

The Licensing and Compliance Officer stated that the panel was required as one relevant representation was submitted during the statutory consultation period and that the panel was to determine this application for a Premises Licence having regard to all the information provided by the Applicant and the representation whilst taking into account this Council's Statement of Licensing Policy.

The Chairman asked if the Applicant or Applicant's Representatives could present their statement. The Applicant's Representative 1 (AR1) stated that this was a new application. It replaced an existing club licence, and any previous complaints would be with the previous management. The Applicant was the personal identifiable to be responsible for the Licence. The Applicant had had no comments and no other representations made from any responsible authority about the application and that the conditions in the operating schedule fully address licensing objectives. AR1 asked if they could hear from representatives. The Chairman checked with the Legal Officer. The Legal Officer said there were no objections to having the representatives to talk at this point.

Representative 1 discussed the issue they had had with the former patrons leaving the premises, and that the club had absolved their selves of responsibility of the behaviour of it patrons once they have left the building. They also mentioned the premises location was in the middle of residential estate with the first house residing 40 yards away. A discussion took place about the where the representatives lived in relation to the premises. Members asked questions about which

conditions they had objections to. Representative 1 mentioned the dedicated smoking area, as swearing was audible and the late night refreshments until midnight.

The panel asked if the Applicant would like to respond, to which AR1 discussed public nuisance and dispersal. AR1 handed over to the Applicant's Representative 2 (AR2) to talk further about this. AR2 discussed the personal history with the premises and their target audience; people they knew very well, many of them church-going people, who would want to relax after shift work and therefore come in quite late. This was the reason for the hours applied for. AR2 addressed potential 'rowdy' behaviour and suggested that taxis could be asked to come round the back to collect people and that exits be monitored. AR2 discussed that no matter what time they closed dispersal would be the same and that they would try to calm people before closing by turning music down and turning the lights on. They would consider moving the smoking area. It was mentioned that Sandy Lane was a main road and used by people to walk up from town to get home that could cause nuisance.

The AR1 said premises had not operated under the club premises for some time and that the Applicant had operated temporarily on Temporary Event Notices. A discussion took place on the location of the representations. The Chairman asked the representatives if they could clarify distance from their house to which Representative 1 said 30-40 yards from the smoking area. A discussion took place where the representatives recounted times when events had happened, where they had heard swearing from outside the premises and a family Member woken up due to this and personal property stolen. The Licensing & Compliance Officer wanted to make it clear that the application be considered on own merits not on a previous licence.

The Chairman asked if there was one exit for the premises, the AR2 discussed the plan of premises, exit on front and the function room can only exit from the back entrance.

A Member asked the AR2 how often they expected to work until 2am and what need they had to open to this time, they answered nothing to gage it on, they thought the need would be occasional and that clients would finish work around 11.30pm so would like to open until 2am. A Member asked how the Applicant would work with residents, to which AR1 said that the premises licence holder would be contactable. AR1 mentioned that it was the first time he has been denied access to the representation during consultation stage, to which the Licensing and Compliance Officer stated that the representation was received the

final day of consultation and had been made available to all parties prior to the commencement of the hearing.

The Chairman asked the Applicant how they would be contactable and about the opening times. The Applicant explained they would try to be there every night, have a complaint book, find solutions and take appropriate actions. The opening times would depend on clientele. AR2 said it would be a small number. The AR1 mentioned the use of notices to highlight respecting neighbours as they leave and to turn the music down. AR2 mentioned they have eight Members of staff where the previous had one steward. The Chairman asked how many people would there be on an average night, to which the AR2 answered 20-50 people and on event nights 70 people. These people would be very regulars.

Representative 1 relayed that it was the noise from smoking and the noise from dispersal of patrons.

The Chairman asked Applicant when 50 people left would they all leave at 2am, AR2 answered no there would be around 10 after midnight. A Member mentioned that if licence is granted, licence can be revoked. The Chairman asked for both parties to sum up.

Representatives summarised that they bought house knowing the club was across the way and said notices becomes like wallpaper, would like to see prevention of noise.

AR2 summarised main points, the history of the premises, and promotion of community after church, serve polish food and beer. AR1 summarised that the club had been operating until 1am with no complaints; they have relationships with taxi firms and would have liked opportunity to invite those who made representations to see the place. It is a new premises which they feel will add value to area. It is not in the cumulative impact area and they would like to request the panel grant the licence.

The Chairman adjourned the Sub-Committee at 10:20am. Representative 1 left.

The Sub-Committee recommenced at 11:25am, to which the Chairman thanked everyone and handed over to the Legal Officer for the Decision.

The Legal Officer summarised the findings of facts and **RESOLVED** that it was a unanimous decision to grant the premises licence as applied for. The Legal Officer advised all parties that if they did not agree with the licensing sub committee's decision to contact the magistrates court

regarding an appeal and that they had 21 days to for the date of notification of this decision to do this.

LP5. ANY OTHER BUSINESS

None

The Chairman thanked everyone and closed the meeting.

The meeting, which commenced at 9:30am, closed at 11:32am.

Chairman

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LICENSING PANEL

11 July 2017

REPORT OF HEAD OF REGULATORY SERVICES

APPLICATION FOR PREMISES LICENCE FOR (Arman Pizza) 13 WINDSOR STREET, MELTON MOWBRAY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to submit to the Licensing Panel an application by Rustum Sahel Abdul HAG for a Premises Licence under the Licensing Act 2003 due to the Premises falling within the Cumulative Impact Zone and submission of relevant representations during the statutory consultation period.

2.0 RECOMMENDATIONS

2.1 **It is recommended that the Panel determine this application for a Premises Licence having regard to all the information provided by the applicant and the representations, taking into account this Council's Statement of Licensing Policy.**

3.0 KEY ISSUES

3.1 On Monday 22nd May 2017 an application for a premises licence was submitted to Melton Borough Council with the required fee and having been served on the responsible authorities.

3.2 In summary, according to the application (**appendix A**) this application is to allow a new operator to use this venue as a Late Night Refreshment establishment, serving food from the premises to eat in, via delivery service or take away. This application is necessary as the previous Premises Licence for this address was surrendered with effect from 26th January 2017.

3.3 The applicant has applied to carry on Licensable Activities, namely acting as a Late Night Refreshment house, serving food (12.00-00.00hrs Sunday to Thursday & to 03.00hrs Friday - Saturday), Regulated Entertainment (Recorded Music 12.00-00.00hrs on Friday 12.00 – 03.00 on Saturday only). The proposed activities will take place within the area identified in the accompanying plan (**appendix B**).

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
F - Recorded Music (Indoors)	Friday Saturday	12:00 x 00:00 12:00 x 03:00	Pre-recorded background music only

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
I & L – Late night refreshments & Opening hours	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	12:00 x 00:00 12:00 x 00:00 12:00 x 00:00 12:00 x 00:00 12:00 x 03:00 12:00 x 03:00 12:00 x 00:00	Serving Hot food and providing take away and delivery service

3.4 The consultation period closed on 19th June 2017; three representations have been submitted.

4.0 REPRESENTATIONS.

4.1 The representation made by Leicestershire Police (**Appendix C**) relates to all four of the Licensing Objectives namely, Prevention of Crime & Disorder Public safety, Prevention of Public Nuisance and protection of children from harm; No additional conditions have been suggested as part of this representation.

4.2 During the consultation period the applicant engaged with Melton Borough Council's Environmental Health Team. The applicant agreed to conditions being added to the Premises Licence relating to waste management. A copy of the conditions, signed by the applicant can be found at **Appendix C1** for the Committee's consideration.

4.3 One representation was received by an interested party however, this was determined to be frivolous and rejected as permitted in the act.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The Sub Committee's attention is drawn to Melton Borough Council's Statement of Licensing Policy 2.3 and 2.5 and Current Special Policy on Cumulative Impact 5.1 (**appendix D**) which states:

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.

Extent of Control

2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned.

However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

Current Special Policy on Cumulative Impact

*5.1 Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and Leicestershire Public Health following the necessary consultation, the Licensing Authority considered that the special policy that currently applies in respect of Melton town centre should be amended to incorporate all licensed premises, including on and off sales of alcohol and late night refreshment, 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 and Leicestershire County council Public Health 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. Increasing access to alcohol through more outlets and longer trading hours is linked to a range of alcohol-related harms. These include increases in alcohol sales per head of population, alcohol-related death rate, alcohol consumption in young people, assaults, and other harms including homicide, child abuse and neglect, and self-inflicted injury.

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 licensing objectives.

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 those 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 Evidence was provided by Leicestershire Constabulary and Leicestershire County council Public Health”.

5.8 The area of the special policy is marked on the Map at Appendix 2. (appendix D2)

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There are no financial or other resource implications.

7.0 LEGAL IMPLICATIONS/POWERS

7.1 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates’ Court within 21 days of the date of the hearing.

8.0 COMMUNITY SAFETY

8.1 The Act contains four Licensing Objectives which underpin the functions that this authority will perform and must be overriding in any decisions that are made in relation to this or any Licensing Application these are:

- Public Safety
- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm

9.0 EQUALITIES

9.1 There are no equalities issues in relation to this report.

10.0 RISKS

10.1 The risks identified by the representations are mainly in respect of public nuisance.

11.0 CLIMATE CHANGE

11.1 There are no implications for Climate Change.

12.0 CONSULTATION

12.1 The consultation period of 28 days ended on 19 June 2017 and the representations received are attached.

13.0 WARDS AFFECTED

13.1 Melton Craven ward

Contact Officer: Simon Greensmith

Date: 20th June 2017

Appendices : Application Form – Appendix A
Application Plans – Appendix B
Representations from RESPONSIBLE AUTHORITIES – Appendix C/C1
Melton Borough Councils Statement of Licensing Policy and model conditions - Appendix D
Area of special policy - Appendix D2

Reference : 110717

LICENSING PANEL

11 July 2017

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(Arman Pizza) 13 WINDSOR STREET, MELTON MOWBRAY**

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2.0 RECOMMENDATIONS

2.1 **It is recommended that the Panel determine this application for a Premises Licence having regard to all the information provided by the applicant and the representations, taking into account this Council’s Statement of Licensing Policy.**

3.0 KEY ISSUES

3.1 On Monday 22nd May 2017 an application for a premises licence was submitted to Melton Borough Council with the required fee and having been served on the responsible authorities.

3.2 In summary, according to the application (**appendix A**) this application is to allow a new operator to use this venue as a Late Night Refreshment establishment, serving food from the premises to eat in, via delivery service or take away. This application is necessary as the previous Premises Licence for this address was surrendered with effect from 26th January 2017.

3.3 The applicant has applied to carry on Licensable Activities, namely acting as a Late Night Refreshment house, serving food (12.00-00.00hrs Sunday to Thursday & to 03.00hrs Friday - Saturday), Regulated Entertainment (Recorded Music 12.00-00.00hrs on Friday 12.00 – 03.00 on Saturday only). The proposed activities will take place within the area identified in the accompanying plan (**appendix B**).

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
F - Recorded Music (Indoors)	Friday Saturday	12:00 x 00:00 12:00 x 03:00	Pre-recorded background music only

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
I & L – Late night refreshments & Opening hours	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	12:00 x 00:00 12:00 x 00:00 12:00 x 00:00 12:00 x 00:00 12:00 x 03:00 12:00 x 03:00 12:00 x 00:00	Serving Hot food and providing take away and delivery service

3.4 The consultation period closed on 19th June 2017; three representations have been submitted.

4.0 REPRESENTATIONS.

4.1 The representation made by Leicestershire Police (**Appendix C**) relates to all four of the Licensing Objectives namely, Prevention of Crime & Disorder Public safety, Prevention of Public Nuisance and protection of children from harm; No additional conditions have been suggested as part of this representation.

4.2 During the consultation period the applicant engaged with Melton Borough Council's Environmental Health Team. The applicant agreed to conditions being added to the Premises Licence relating to waste management. A copy of the conditions, signed by the applicant can be found at **Appendix C1** for the Committee's consideration.

4.3 One representation was received by an interested party however, this was determined to be frivolous and rejected as permitted in the act.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The Sub Committee's attention is drawn to Melton Borough Council's Statement of Licensing Policy 2.3 and 2.5 and Current Special Policy on Cumulative Impact 5.1 (**appendix D**) which states:

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.

Extent of Control

2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned.

However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

Current Special Policy on Cumulative Impact

*5.1 Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and Leicestershire Public Health following the necessary consultation, the Licensing Authority considered that the special policy that currently applies in respect of Melton town centre should be amended to incorporate all licensed premises, including on and off sales of alcohol and late night refreshment, 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 and Leicestershire County Council Public Health 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. Increasing access to alcohol through more outlets and longer trading hours is linked to a range of alcohol-related harms. These include increases in alcohol sales per head of population, alcohol-related death rate, alcohol consumption in young people, assaults, and other harms including homicide, child abuse and neglect, and self-inflicted injury.

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 licensing objectives.

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 those 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 Evidence was provided by Leicestershire Constabulary and Leicestershire County council Public Health”.

5.8 The area of the special policy is marked on the Map at Appendix 2. (appendix D2)

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There are no financial or other resource implications.

7.0 LEGAL IMPLICATIONS/POWERS

7.1 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates’ Court within 21 days of the date of the hearing.

8.0 COMMUNITY SAFETY

8.1 The Act contains four Licensing Objectives which underpin the functions that this authority will perform and must be overriding in any decisions that are made in relation to this or any Licensing Application these are:

- Public Safety
- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm

9.0 EQUALITIES

9.1 There are no equalities issues in relation to this report.

10.0 RISKS

10.1 The risks identified by the representations are mainly in respect of public nuisance.

11.0 CLIMATE CHANGE

11.1 There are no implications for Climate Change.

12.0 CONSULTATION

12.1 The consultation period of 28 days ended on 19 June 2017 and the representations received are attached.

13.0 WARDS AFFECTED

13.1 Melton Craven ward

Contact Officer: Simon Greensmith

Date: 20th June 2017

Appendices : Application Form – Appendix A
Application Plans – Appendix B
Representations from RESPONSIBLE AUTHORITIES – Appendix C/C1
Melton Borough Councils Statement of Licensing Policy and model conditions - Appendix D
Area of special policy - Appendix D2

Reference : 110717

APPENDIX B

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 28 October 2016 shows the state of this title plan on 28 October 2016 at 17:21:46. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

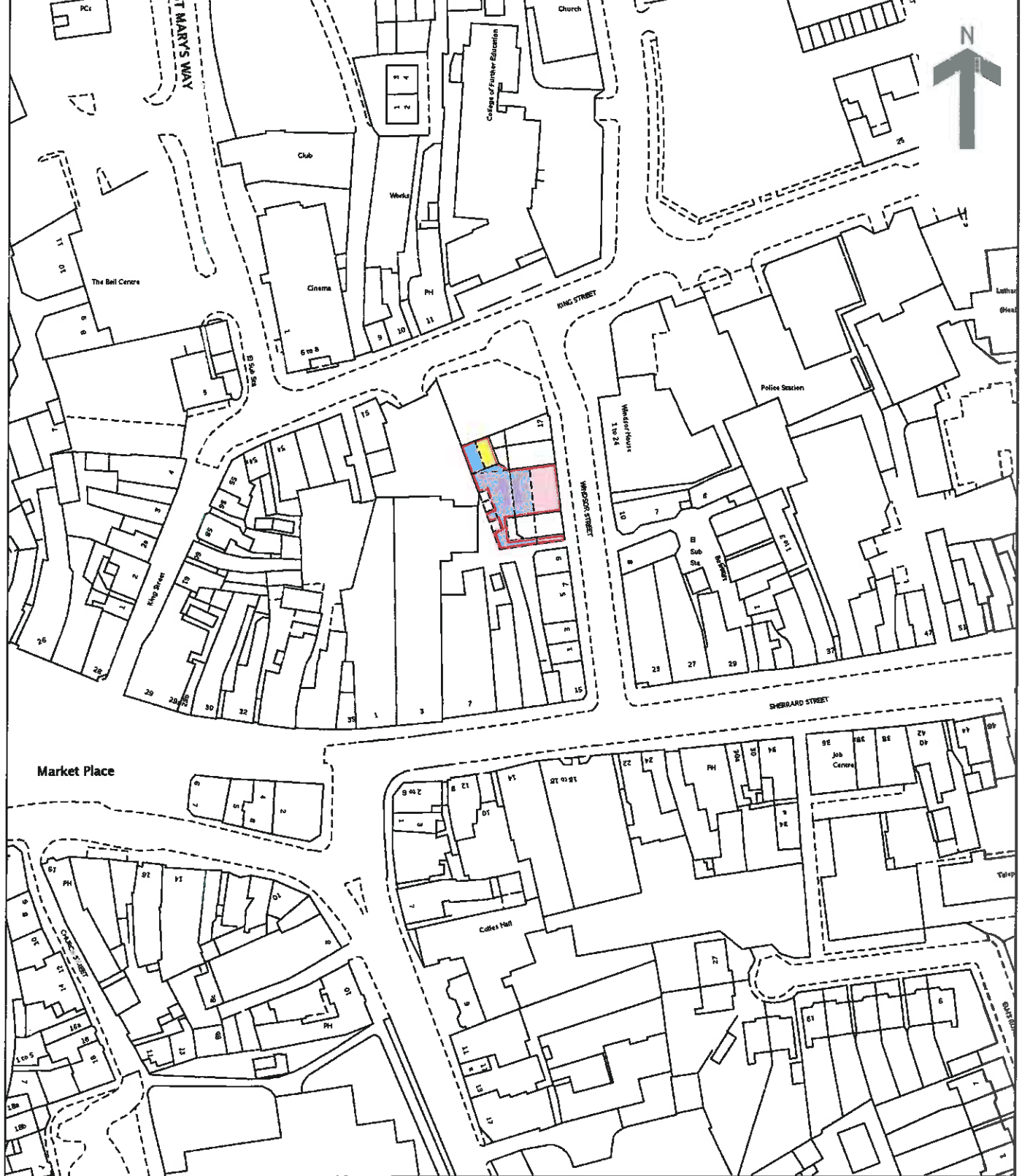
This title is dealt with by the Land Registry, Leicester Office

Land Registry
Official copy of
title plan

Title number **LT455574**
Ordnance Survey map reference **SK7519SW**
Scale **1:1250**
Administrative area **Leicestershire : Melton**



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Leicestershire Police

APPENDIX C

Licensing Act 2003 – Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	Nigel Rixon
Your Address:	Force Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	None Known (Formally Arman)
Address of premises:	13 Windsor Street Melton Mowbray LE13 1BU
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Please summarise your concerns about this application:
<p>I write in my capacity as Licensing Manager for Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>Melton Borough Council has adopted a Special Policy in relation to applications for new licences and material variations in the Cumulative Impact Area. The effect of this policy is set out in the current Guidance under Section 182 of the Licensing Act 2003 and the Council's current Licensing Policy.</p> <p>Paragraph 5.6 of that policy states: <i>"The effect of the special policy will be to create a rebuttable 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 schedules."</i></p>

This is an application for a new premises licence for late night refreshment on Sunday to Thursday from midday to midnight and on Friday & Saturday from midday to 03.00 hours.

The police have been aware the premises have been operating without a licence since early 2017.

On the 4th February 2017, 04:30 hour's people were observed leaving the premises with food containers.

At 04:30 hours Sunday 19th March 2017, around 10 people were seen in the premises and staff behind the counter.

At 04.15 Sunday 26th March 2017 the premises was seen to be open.

At 04:00 Sunday 9th April 2017 the premises was open serving customers and the event was recorded by police.

Sunday 23rd April 2017 the premises were observed to be still trading at 04:00 hours.

Saturday 29th April 2017 the premises were observed by the Councils CCTV Operator trading past 03:15.

The applicant in his application has made no reference to the impact the extension of these hours would have on the cumulative impact area and therefore it must be considered that they have not reflected on this when submitting the application.

These premises are situated on Windsor Street which is within the cumulative impact area as adopted by the Licensing Authority.

The area is very popular due to the bars in that area and sees an increase in footfall as the weekend approaches.

Within the cumulative impact area there are currently 13 Shops/Off Licences', 25 Licenced Pubs & Clubs and 27 Restaurants and Food Outlets.

Licensing Manager Nigel Rixon



Date: 13th June 2017

Melton Borough Council
16 JUN 2017



**ENVIRONMENTAL HEALTH
LICENSING ACT 2003**

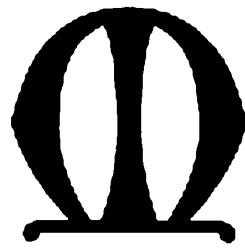
OFFICER: David Martschenko		SIGNED:	
DESIGNATION: Environmental Health: Senior Technical Officer			
Application: Premises Licence			
NAME OF PREMISES	Aman Restaurant and Takeaway	ADDRESS OF PREMISES	13 Windsor Street, Melton Mowbray LE13 1BU
1.	<p>Environmental Health recommends that the following condition(s) are voluntarily attached to the licence with the expressed permission of the premises licence applicant.</p> <p>Adequate and suitable, lidded receptacles shall be provided by the licence holder to receive and store refuse from the premises. Waste originating from the premises must not be deposited or permitted to accumulate to the rear of premises except in the receptacles provided.</p>		

If you are willing to comply with these condition(s), please sign below and return one copy to Environmental Health, Melton Borough Council, Parkside, Station Approach, Burton Street, Melton Mowbray, LE13 1GH or dmartschenko@melton.gov.uk

In signing, I agree to the above condition(s) and understand that they will be added to the schedule of conditions on the premises licence.

Signed.....  Print Name... R. S. Abdul Hag
Date... 14/06/2017

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**Melton
Borough
Council**

**Licensing Act 2003
Statement of Licensing Policy
January 2016**

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
- Public Health England
- Other groups that the licensing authority considered appropriate.

1.3 List of consultees attached as **Appendix 1**.

Licensable Activities

1.4 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.

Live Music

1.5 The Live music Act 2012 came into force on 1st October 2012.

Its main aim was to relax the licensing burden on those licence holders staging or looking to stage live music at their venue.

It removes the licensing requirements for:

- Amplified live music between 8am and 11pm before audiences of no more than 500 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 500 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.

It is possible to reinstate or impose conditions about live music following a review of a premises license or club premises certificate authorizing premises to supply alcohol for consumption on the premises.

The Live Music Act also removes licensing requirements for the provision of entertainment facilities.

In addition, it has widened the licensing exemption for music integral to a performance of morris dancing or similar, so that the exemption applies to live or recorded music instead of unamplified live music.

Although the changes to the law and the associated benefits to local musicians and their supporters are to be welcomed there is still a requirement that any music should not be loud enough to cause a nuisance to neighbours.

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, (including child sexual exploitation).

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.

Extent of Control

2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations.

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned.

However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

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 Consideration of 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 The authority will review any special saturation policy every 3 years in line with a review of this policy statement.
- 4.6 Any special saturation policy will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises;
 - justify 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.
- 4.7 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.
- 4.8 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
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - 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 Current Special Policy on Cumulative Impact

- 5.1 Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and Leicestershire Public Health following the necessary consultation, the Licensing Authority considered that the special policy that currently applies in respect of Melton town centre should be amended to incorporate all licensed premises, including on and off sales of alcohol and late night refreshment, 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 and Leicestershire County Council Public Health 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. Increasing access to alcohol through more outlets and longer trading hours is linked to a range of alcohol-related harms. These include increases in alcohol sales per head of population, alcohol-related death rate, alcohol consumption in young people, assaults, and other harms including homicide, child abuse and neglect, and self-inflicted injury.
- 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 licensing objectives.
- 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 those 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 Evidence was provided by Leicestershire Constabulary and Leicestershire County council Public Health”.
- 5.8 The area of the special policy is marked on the Map at **Appendix 2**.

6.0 Licensing Hours

- 6.1 In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the four licensing objectives 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 Licensing Authority (Responsible Authority Role)

- 7.1 The Licensing Authority is now included in the list of responsible authorities and In common with other responsible authorities it is for the licensing authority to determine when it considers it appropriate to act in that capacity. The Licensing Authority will not make a representation or apply for a review at the request of another Responsible Authority or other person.
- 7.2 There are many occasions when the Licensing Authority may decide to make a representation or apply for a review based on evidence and information collated from other Responsible Authorities even though those Responsible Authorities have chosen not to make a representation.
- 7.3 The Licensing Authority is unlikely to intervene where the basis for the intervention falls within the remit of another Responsible Authority. For example, the police should make representation where the representations are based on concerns about crime and disorder.

- 7.4 Where the Licensing Authority does not make representations it will ensure that there is a proper separation of responsibilities. The licensing officer preparing papers for a sub-committee hearing will be different to the Licensing Officer making the representations on behalf of the Responsible Authority. The Licensing Officer acting for the Responsible Authority will not be involved in the administrative process of the application or review and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority. Communication between these Licensing Officers in relation the case will remain professional and consistent with communication with other Responsible Authorities.
- 7.5 The Licensing Officers administering the application will be allowed to conduct negotiations between the Licensing Officer making the representation and the applicant.

8. Suspension of Premise Licence for Non-Payment of Fees

- 8.1 Part 2 of the Police and Social Responsibility Act 2011, introduced changes to the Licensing Act 2003, requiring Licensing Authorities to suspend a Premises Licence, or Club Premises Certificate, if the annual fee is not paid when due. 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 is intended to allow the Licensing Authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period then the licence will be suspended.
- 8.2 If the Licensing Authority intends to suspend a licence or certificate, it will notify the holder in writing and specify the date on which the suspension will take effect; this date will be 14 days after the day the Authority gives notice.
- 8.3 A suspension ceases to have effect on the day on which the Licensing Authority received payment of the outstanding fee.

9. Promotion of the Licensing Objectives

- 9.1 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.
- 9.2 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, Leicestershire and Rutland Safeguarding Children Board
- Leicestershire Trading Standards.

9.3 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

- The provision, qualifications, training and identification of staff to control admission and to control the public inside the premises.
- Measures to reduce the likelihood of causing harm through violence or accidents including:
- 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 in appropriate circumstances at positions agreed by the Police and the control, use and availability of tapes and other digital means of recording.
- The fixing of Crime Prevention Notices including drugs related offences.
- 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

Conditions relating to Public Safety

- Arrangements for disabled people
- Provision and maintenance of escape routes
- Safety checks
- Curtains, hangings, decoration and upholstery (including temporary decorations and displays)
- Limits on accommodation numbers
- Fire Action Notices
- Outbreaks of fire
- Loss of water
- Access for emergency vehicles
- First aid
- Lighting
- Temporary electrical installations
- Ventilation

9.4 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.

- 9.5 Applicants should consider compliance with Fire Safety regulations, the Regulatory Reform (Fire Safety) Order 2005, particularly in regard to Public Safety. The Licensing Authority request that this consideration is reflected within the applicants operating schedule.
- 9.6 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.

10. Children

General

- 10.1 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 regard to tackling child sexual exploitation and take into account representations made by the Leicestershire and Rutland Safeguarding Children Board or any other specialist consultee on each application.
- 10.2 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.
- 10.3 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).
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - Children allowed to enter a Public House unaccompanied by an adult.
- 10.4 Conditions will not be imposed that require no admission of children. This will remain a matter for the discretion of the licensee.

10.5 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
- Provisions to safeguard against harm to children related to a specific activity and/or premises
- Age limitations (below 18)
- Limitations or exclusions when certain activities are taking place
- Limitations on the parts of the premises to which children may be given access
- 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

10.6 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

10.7 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.

Proof of Age Cards

10.8 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 require 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. This is seen as particularly relevant to premises selling alcohol for consumption off the premises.

11. Early Morning Restriction Orders (EMRO)

- 11.1 A Licensing Authority can introduce an EMRO in a particular area if they are satisfied it is appropriate for the promotion of the licensing objectives. An EMRO can restrict sales of alcohol in the whole or part of the Licensing Authority area for any specified period between 12 midnight and 6am. If an EMRO is introduced it would apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period.
- 11.2 The introduction of an EMRO could be suggested by the public or the Police. A Licensing Authority is required to advertise any proposal to make an EMRO and demonstrate that they have evidence to justify doing so, as well as considering any representations.
- 11.3 The Licensing Authority will review the need for EMROs at least every five years in line with the review of the policy to see if circumstances have changed and any are needed, however, the Licensing Authority would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

12 Late Night Levy

- 12.1 A late night levy enables Licensing Authorities to raise a contribution from late-opening alcohol supplies towards policing the night-time economy. It is a power that Licensing Authorities can choose whether or not to exercise.
- 12.2 The levy must cover the whole of the Licensing Authority's area. The Licensing Authority will choose the period during which the levy applies every night, between midnight and 06:00 hours and decide what exemptions and reductions should apply.
- 12.3 The Licensing Authority should discuss the need for a levy with the relevant Police and Crime Commissioner and the relevant Chief Officer of Police. The Licensing Authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy.

13. Integrating Strategies

- 13.1 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.
- Public Health

14. Licensing and Planning

- 14.1 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.

15. Duplication

- 15.1 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.
- 15.2 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.
- 15.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

16. Standardised Conditions

- 16.1 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.
- 16.2 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.
- 16.3 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.
- 16.4 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

17. Personal Licences

- 17.1 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.
- 17.2 In accordance with the Secretary of State's advice the licensing Authority will normally refuse applications where the Police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

18. Enforcement

- 18.1 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.
- 18.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 18.3 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.
- 18.4 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.

19. Live Music, Dancing and Theatre

- 19.1 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.
- 19.2 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.

20. Delegation of Functions

- 20.1 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.
- 20.2 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.
- 20.3 The Licensing and Compliance Officer will determine all other matters under the authority of the Head of Regulatory Services, to whom such powers have been delegated in the Council's constitution.
- 20.4 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.

21. Temporary Event Notices

- Standard Temporary Event Notice (TEN) on the Licensing Authority notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the police and Environmental Health, as responsible Authorities no later than ten working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.

- Late Temporary Event Notice (LATE TEN) on the Licensing Authority notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than five working days before the first of the event and no earlier than nine working days before the first day of the event.
- The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.
- The maximum number of person allowed on the premises at the same time during the temporary is 499.
- If alcohol is to be supplied, all supplies must be carried by or under the authority of the person serving the TEN, and that person need not hold a personal licence.
- Only the Police and Environmental Health may object to the staging of a temporary event. If they believe that any of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice.'
- Where an Objection Notice is received in relation to a standard TEN, a licensing sub-committee will be held to determine the notice within seven working day of the objection notice being issued. A hearing may not be necessary if an agreement can be reached beforehand.
- Where an Objection Notice is received in relation to a LATE TEN, the event will automatically be refused authorisation. There is not right to appeal in this instance.
- The act provides that only the Licensing Authority can impose conditions (from the existing conditions on the premises licence or club certificate) to a TEN. The licensing Authority can only do so:
 - If the Police or Environmental Health have objected to the TEN.
 - If the objection has not been withdrawn.

22. Period of Validity and Review

- 22.1 This Statement of Licensing Policy will come into force on 7 January 2016 and is valid for up to five years.
- 22.2 The Policy will be kept under review during the period of validity and if necessary amendments made.
- 22.3 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.

23. Contacts

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

In writing to: Licensing Team
Melton Borough Council
Parkside
Station Approach
Burton Street
Melton Mowbray
Leics
LE13 1GH

Telephone: (01664) 502502

Fax: (01664) 410283

E-mail: licensing@melton.gov.uk

Appendix 1 List of consultees

Appendix 2 Melton Mowbray Cumulative Impact Policy Map of Area

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LICENSING ACT 2003

POOL OF MODEL CONDITIONS

The conditions shall not be regarded as “standard conditions” which are to be automatically imposed on premises licences and certificates in all cases. The following are designed to provide a range of **possible** conditions which **may** need to be attached to premises licences or club premises certificates, depending upon differing situations.

All conditions attached to a premises licence and club premises certificate must be appropriate and proportionate to the application received.

The wording of the conditions may need to be modified to suit a particular premise and/or situation.

This is not an exhaustive or exclusive list of conditions.

Additional conditions may be drafted and attached to such licences and certificates to meet individual circumstances, both by the applicant in question, any responsible authority, or the Licensing Authority as deemed appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or a competent person nominated by the designated premises supervisor’.

Please note that with the introduction of the Live Music Act 2012, no conditions relating to live music can be added to new or variation premises licence or club premises certificate. Live music conditions can only be added on a review application that relate to issues with live music.

Mandatory Conditions

Mandatory Conditions where Licence Authorises Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition where Licence Authorises the Exhibition of Films

3. The admission of children to the exhibition of any film is to be restricted in accordance with these conditions and Section 20 of the Licensing Act 2003.
4. Where the film classification body is specified in the licence, unless subsection 5(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section:

"children" means persons aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition: Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
8. But nothing in section 7 requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
9. For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Condition for Licences with Consumption on and off the Premises

- 10. (a) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Mandatory Conditions for Licences with Consumption on the Premises

- 11. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- 12. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - games or other activities which require or encourage, or are designed to
 - (a) require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or

- (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
13. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
14. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
15. The responsible person shall ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Crime and Disorder

16. No sale of alcohol shall be made unless the designated premises supervisor or a personal licence holder is present on the premises.
17. The premises licence holder shall join the Retail Radio scheme operating in the area and ensure that:
- (a) The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
 - (b) The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - (c) Any police instructions/directions are complied with whenever given; and
 - (d) All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
18. The premises licence holder shall employ a minimum of SIA licensed door supervisors for every [100] customers or part thereof to deal with any likely contingency from [*start time*].

19. A minimum of [x] SIA licensed door supervisor shall be on duty at the premises [*at all times whilst it is open to the public/after xx.xx/until the last admission time for the public*].
20. At least [x] SIA licensed door supervisors shall be on duty at the entrance of the premises at [*all times whilst it is open to the public/until the last admission time for the public*].
21. If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.
22. Where door supervisors are required the premises licence holder shall keep records showing the names of the supervisor, their SIA badge number and expiry date, and the date/time that they were employed.
23. No public access to the premises shall occur through the [*specify doors*]. This condition shall not restrict the use of the doors in the event of an emergency.
24. There shall be no entry or re-entry, other than staff members, to the premises after xx.xx.
25. Patrons may be allowed re-entry where they have left the premises for a cigarette.
26. No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
27. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
28. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [*red*] on the plan forming part of the premises licence.
29. The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.
30. The premises licence holder shall ensure that no alcoholic drinks are consumed in the area marked (*in red*) on the plan (*numbered...../attached to the premises licence*).
31. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property unattended.

32. The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.
33. The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.
34. The designated premises supervisor shall complete a recognised 'drug awareness' training course [*within x weeks/ by x date*].
35. Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.
36. CCTV shall be installed to specifications and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 28 days. If a tape system is used all tapes are to be held in secure holding facility and all tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the Responsible Authorities.
37. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.
38. An incident log shall be kept on the premises, and made available on request to the Police or Licensing Officer, which will record the following:
 - (a) All crimes reported to the premises;
 - (b) All ejections of patrons;
 - (c) Any complaints received;
 - (d) Any incidents of disorder;
 - (e) All seizures of drugs or offensive weapons;
 - (f) Any faults in the CCTV system;
 - (g) Any refusal of the sale of alcohol;
 - (h) Any visit by a responsible authority or emergency service.
39. The Designated Premise Supervisor shall hold the certificate in National Course of Designated Premise Supervisor.

Public Safety

40. The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.
41. The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.
42. The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.
43. At least 28 days notice of any event involving boxing or wrestling entertainment events shall be provided to the Licensing Authority and Environmental Health.
44. The premises licence holder shall ensure that:
 - (a) An appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
 - (b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant;
 - (c) At any wrestling or other entertainment of a similar, nature members of the public do not occupy any seat within 2.5 metres of the ring;
 - (d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

or

The premises licence holder shall ensure that any requirements made by the Licensing Authority and Environmental Health during the preparation for and the provision of boxing and wrestling entertainment are complied with.

45. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:
 - dry ice machines and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks

- real flame
- fire arms
- motor vehicles
- strobe lighting
- lasers
- explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.

46. No drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
47. The premises licence holder shall make all reasonable endeavours to ensure clothing or other objects shall not be placed over balcony rails or upon balcony fronts. Signs shall be displayed informing customers that clothing or other objects shall not be placed over balcony rails.
48. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person at least once in every five years and a certificate concerning the conditions of the ceilings shall be forwarded to the Licensing Authority.
49. The Health and Safety Department shall be notified 28 days prior to trading in order to make a visit to the premises so that an assessment of the adequacy of the control measures in relation to public safety can be made.

Prevention of Public Nuisance

Where appropriate, the following conditions will relate to a single source e.g. a village pub rather than multiple sources e.g. the whole of the High Street in a town.

50. The internal LAeq 15 min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from regulated entertainment at the licensed premises.
51. The premises licence holder shall ensure that the settings of the noise limiting device will not be altered unless approval is first confirmed in writing by the Local Authority's Authorised Officer.
52. Noise generated by amplified music, during the provision of regulated entertainment, shall be controlled by a noise limiting device set at a level determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.

or

A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.

53. All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when [*regulated entertainment is/events involving amplified music or speech are*] taking place. Acoustically-treated ventilation or air conditioning may be required in warm weather.

and

The premises licence holder shall undertake a risk assessment before regulated entertainment is provided during warm weather to ascertain if acoustically-treated ventilation or air conditioning is required. If it is so required, the premises licence holder shall take steps to ensure that it is provided.

54. The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.
55. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
56. Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
57. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.
58. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.
59. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 11pm and 8am.
60. Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting customers to respect the needs of local residents and leave the premises and the area quietly.
61. The premises licence holder shall monitor the activity of persons leaving the premises [*after xx:xx/are closed to the public*] and remind them of their public responsibilities where necessary.

Conditions Relating to Potentially Large or Multiple Sites

62. Noise propagation tests shall be undertaken and completed to the satisfaction of the Local Authority's Authorised Officer for all outdoor events where amplified music is employed. The sound systems shall be configured and operated in a similar manner as intended for the event. The sound sources used for the test shall be similar in character to the music likely to be produced during the event. Appropriate control limits at the sound mixer position and adjustments to sound amplification equipment as a result of the testing shall be agreed to the satisfaction of the Local Authority's Authorised Officer.
63. The premises licence holder shall not permit noise emanating from the licensed site to unreasonably disturb the persons in the neighbourhood and in any event, shall undertake an agreed noise monitoring scheme to ensure that the music noise levels shall not exceed the higher of 55LAeq, 15 min free-field for an Leq 15 min free-field equal to the background (LA90) plus 15dB(A) should not be exceeded at agreed residential properties. These levels may however be amended in the situation of significant climatic effects, in agreement with the Local Authority's Authorised Officer.
64. The premises licence holder shall undertake an agreed noise monitoring scheme to ensure that between 11 p.m. and 7 a.m. noise from the event site, which [includes the car parks and campsites] shall not exceed an 8 hour LAeq of 45 dB at 1 metre from the façade of noise sensitive residential properties. The premises licence holder shall comply with any noise control requirements made during the event by the Local Authority's Authorised Officer.

Additional Site Specific Conditions

65. No member of the public shall be allowed to come within three metres of an operational loudspeaker providing regulated entertainment.
66. The [*doors / windows*] at [*specify*] shall be fitted with [*double /secondary*] glazing in order to improve the sound attenuation of the premises.
67. A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
68. [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Local Authority's Authorised Officer.
69. An alarm shall be fitted to [*all external windows / fire doors*] which alerts staff when [*they are / it is*] opened without authorisation.
70. The specification, location and orientation of all permanently fixed speakers shall be agreed with the Licensing Authority's Authorised Officer.
71. The [*garden/patio*] must not be used by customers, except to have a cigarette, between the hours of xx.xx and yy.yy.

or

The [*garden/patio*] must not be used by no more than [x] customers between the hours of xx.xx and yy.yy.

72. The car park must be securely locked to prevent access to customers' cars between xx.xx and yy.yy. Larger car parks to be managed to prevent disturbance particularly when they are adjacent to residential premises.
73. The premises licence holder shall instruct staff to not cause unnecessary noise to nearby residents when leaving the premises.
74. The premises licence holder shall nominate a representative to receive and respond to complaints throughout the duration of any regulated entertainment. If necessary, a telephone number shall be provided for nearby residents to contact in respect of complaints about noise.
75. Regulated entertainment shall only commence on the basis that the work to [*specify area*] is completed and a sound insulation test is carried out by an appropriately qualified consultant and confirmation of the satisfactory results agreed in writing by the Licensing Authority's Authorised Officer.
76. Regulated entertainment consisting of live bands shall be limited to x occasions in any [*week/month/year*] and shall be provided by no more than x performers.
77. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
78. A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.
79. The shop front and pavement areas shall be cleaned at the close of business each day.
80. Persons permitted to leave temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
81. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

Protection of Children from Harm

82. No child under the age of xx, unaccompanied by an adult, shall be allowed in a premise after xx.xx to which the public have access after that time.
83. The premises licence holder must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen. for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
84. In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.
85. A Challenge [21/25] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25] years old and wish to purchase alcohol. Acceptable proof of age will be a UK passport, UK photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted unless agreed with the Licensing Authority or Leicestershire Constabulary.
86. Challenge [21/25] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.
87. Training will be provided for all staff before they are allowed to sell alcohol and will include Challenge [21/25], proof of age, management conflict and refusals records. The training will be documented. The Premises Licence Holder or Designated Premises Supervisor will check that the training has been understood. The training will be repeated at least every 6 months. Records of training will be provided to Responsible Authorities and the Licensing Authority on request.
88. The Premises Licence Holder shall operate and maintain an up-to-date record of refused sales of alcohol, indicating the date, time, reason for refusal and person refusing which shall be made available for inspection by any Responsible Authority and the Licensing Authority. The record will be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review.
89. The store will install and maintain an Electronic Point of Sale system with a programme which will determine age-restricted products. Upon scanning an age-restricted product, the sales assistant will evidence the individual's age by means of asking for identification. The system shall record all challenges made, which will be checked and monitored by the Designated Premise

Supervisor monthly. This information will be made available upon request by any Responsible Authority.

90. The physical location of alcohol displays shall be in an area within sight of staff, when they are at the tills, as identified on the plan of the premises annexed to the licence.
91. Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under the age of 18.

Revision Date: August 2014

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MELTON MOWBRAY



CUMULATIVE
IMPACT ZONE

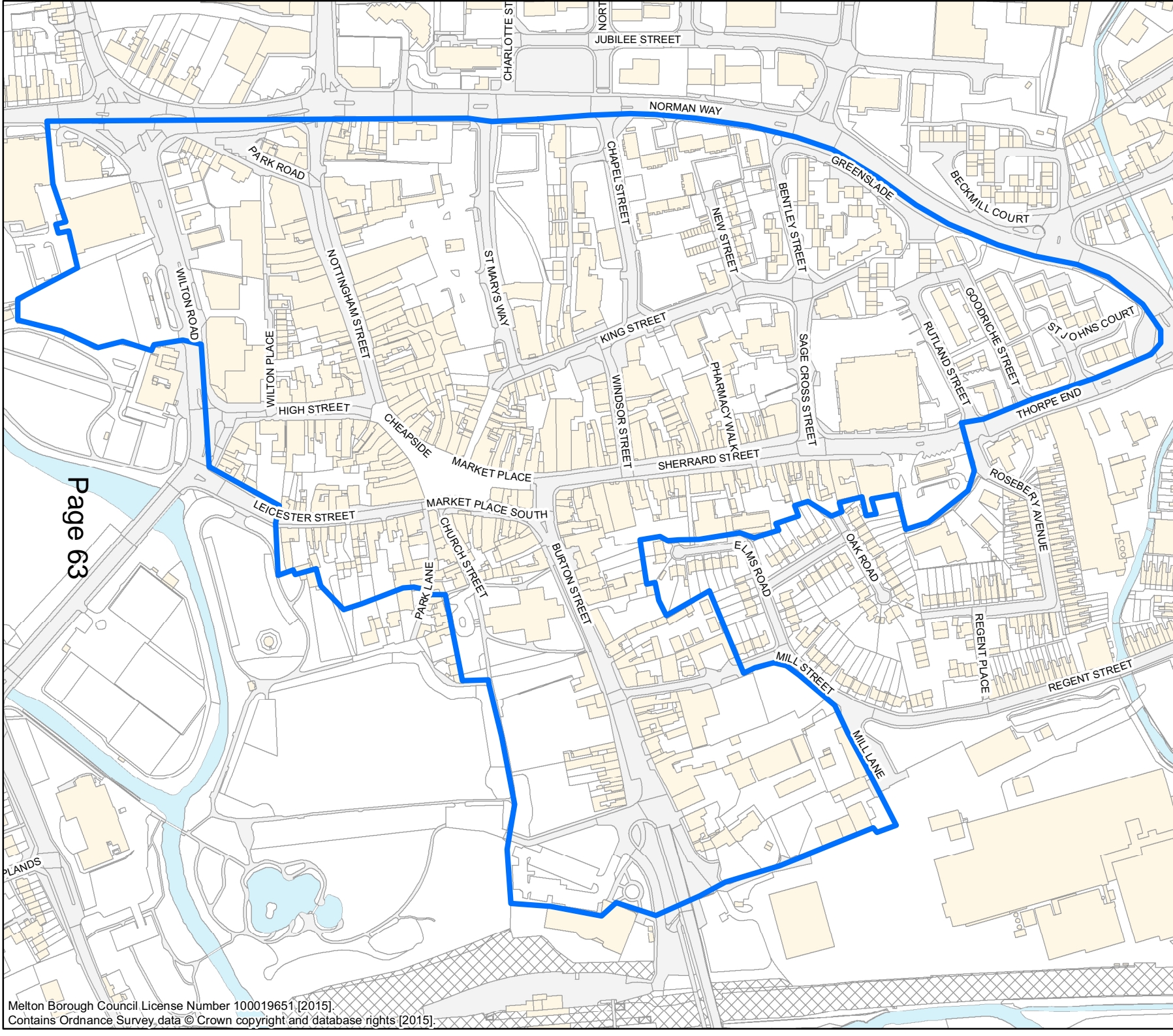
MELTON BOROUGH
COUNCIL

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Melton
Borough
Council



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