



STRATFORD ON AVON DISTRICT COUNCIL

**STATEMENT
OF
LICENSING POLICY**

1. **Introduction**

Stratford on Avon District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, 'the Act.'

The Act lists four licensable activities, which are to be regulated by the provisions of the Act. These, in brief, are:

- **The sale by retail of alcohol;**
- **The supply of alcohol by clubs;**
- **The provision of regulated entertainment;**
- **The provision of late night refreshment.**

Stratford-on-Avon District Council is situated in the south of Warwickshire in the centre of England. It stretches from the edge of the West Midlands conurbation in the north to the Cotswold fringe in the south. The district covers a large rural area, some 980 kmsq (378 square miles). About 121,000 people live in the District. The largest town is Stratford-upon-Avon that has 23,000 residents, with the other main market towns being Alcester, Shipston-on-Stour and Southam.

The aim of this Policy is to promote the Licensing Objectives.

The following Licensing Objectives can be found in the Licensing Act 2003:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

In making this Policy, the Licensing Authority recognises the following: -

- That residents within, and visitors to, the District need a safe and healthy environment to live, work and visit;
- That safe, well-run establishments are important to the local economy and vibrancy of the District.
- Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act, and conditions attached to various authorisations should be focused on matters within the control of individual licensees and others in possession of relevant authorisations;
- Whilst consideration of applications will primarily focus on the direct impact of the activities taking place at the premises on members of the public living, working or engaged in normal activity in the area concerned, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the licence or authorisation.

This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Liquor Licensing Committee) will take when making licensing decisions.

The following will guide that decision-making process: -

- That the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
- That each licence application will be given individual consideration on its merits;
- That when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time;
- That the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).

This Statement covers the period **7th January 2011 to 6th January 2014** and will be kept under review and revised/amended as required, following consultation.

The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.

The Licensing Authority will observe the principles of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

In the interests of speed, efficiency and cost effectiveness the Liquor Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Licensing Authority when it carries out its licensing functions: -

Principle 1 - The Licensing Authority will not fix pre-determined licensing quotas in any given area.

Principle 2 - Whilst the Licensing Authority supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However there is no presumption in favour of longer hours. Each case will be decided on its merits

Principle 3 - The Licensing Authority will not fix pre-determined closing times for particular areas.

Principle 4 - The Licensing Authority will permit the sale of alcohol in shops, stores and supermarkets during legal opening hours.

Principle 5 - The Licensing Authority will not limit, through the Licensing Act 2003, the access of children to licensed premises unless it is necessary for the prevention of harm.

Principle 6 - The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

4. The Principles in Detail

Principle 1

The purpose behind this Principle is to: -

- Promote the prevention of crime and disorder
- Address the issue of Cumulative Impact.

If there are problems in a particular area with nuisance, crime or disorder, and if those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will use licence conditions to address those problems, rather than impose 'quotas.'

However, the overall cumulative impact may be taken into account and this could have an effect on the number of licensed premises.

Principle 2

The purpose behind this Principle is to: -

- Promote the prevention of crime and disorder;
- Promote public safety;
- Promote the prevention of public nuisance; and
- Address the issue of closing hours.

It is recognised by the Licensing Authority, following Government recommendations, that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

Arbitrary restrictions that undermine this Principle will therefore be avoided and licence conditions used to address any problems that may arise.

Principle 3

The purpose behind this Principle is to: -

- Promote the prevention of crime and disorder
- Promote public safety
- Promote the prevention of public nuisance

Arbitrary restrictions that undermine this Principle will therefore be avoided and licence conditions used to address any problems that may arise.

Principle 4

The purpose behind this Principle is to: -

- Promote the prevention of crime and disorder;
- Promote the prevention of public nuisance; and
- Address the issue of alcohol sales in shops, stores and supermarkets.

The Licensing Authority will permit the sale of alcohol by shops, stores and supermarkets at all times during legal opening hours.

Arbitrary restrictions that undermine this Principle will therefore be avoided and licence conditions used to address any problems that may arise.

Principle 5

The purpose behind this Principle is to: -

- Promote the protection of children from harm; and
- Address the issue of children in licensed premises, including cinemas and other public entertainment.

Principle 6

The purpose behind this Principle is to: -

- Ensure that all applications are dealt with on merit;
- Ensure that conditions imposed further the licensing objectives.
- Ensure that the conditions relate to the operating schedule or relevant representations that have been received.

5. Licensing Objectives

(1) Prevention of Crime and Disorder

In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the district.

The Licensing Authority will consider attaching Conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:

- Planning controls;
- Enforcement of Environmental Protection legislation (e.g. on noise nuisance);

- Positive measures to provide a safer and clean town centre;
- Environmental controls in partnership with local businesses, transport operators and other departments of the Council;
- Powers to designate parts of the district as places where alcohol may not be consumed publicly;
- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- Confiscation of alcohol from adults and others in designated areas;
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- The power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

(2) Public safety

The Licensing Authority will consider attaching Conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

(3) Prevention of Public nuisance

The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:

- Consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
- Examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation;
- Consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

By way of guidance, the Licensing Authority would expect that after 11:00 p.m., all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

Any exceptions to this would need to be justified in an operating schedule together with showing how the licensing objectives were being achieved.

It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

(4) Protection of Children from harm

For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Multi Agency Commissioning Team, Building 1, Saltisford Office Park, Ansell Way, Warwick. CV34 4UL

For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 up to 18 years old.

Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

Areas that may give rise to particular concern in respect of children include premises:

- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Licensing Authority for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;
- Requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, it will remain a matter for the discretion of the individual licensee or club.

In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

The Licensing Authority may also seek the views of the Warwickshire Local Childrens Safeguarding Board.

6. Other Considerations

Live Music, Dancing & Theatre

This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children.

Integration of Strategies

The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaison with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document.
- Liaison with Environmental Services, the Planning and Regulation Committee, the Executive, and considering guidance in the Local Plan.

Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- The use of closed circuit television cameras;
- The provision and use of shatterproof drinking receptacles;
- A drugs and weapons search policy;
- The use of registered door supervisors;
- Specialised lighting requirements;
- Restrictions on hours of opening;
- Membership of an appropriate pub-watch scheme.

Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

The Licensing Authority's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

The Licensing Authority's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

Properly separating the planning and licensing regimes will avoid unnecessary duplication or inefficiencies. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions and will not cut across such decisions.

The Licensing Authority's Licensing Committee shall provide and receive reports to and from the Planning and Regulatory Committee on the situation regarding licensed premises in the area, as and when required.

7. Other regulatory regimes

This policy shall avoid duplication with other regulatory regimes wherever possible. The following notes relate to specific regimes and are not exhaustive.

Health and Safety

The District Council's Environmental Health inspection staff will normally have visited premises with regard to health and safety. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

Fire Safety

Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should ideally indicate the maximum number of persons that are expected to use the premises, and the precautions that are taken to protect public safety.

Food Hygiene

Premises selling alcohol and/or premises engaged in a food business will be registered with the District Council and subject to risk-based food hygiene inspections at regular intervals.

Noise

Statutory and Public nuisances are dealt with by Environmental Health Departments under the Environmental Protection Act 1990 and associated legislation. In addition, there is also provision in the Environmental Protection Act for an individual to take a private action against noise nuisance. Public Order matters such as noise from people in streets, open spaces, traffic matters, etc are dealt with by the police as part of the normal policing plan.

Planning

Any premises that apply for a licence, or a variation of a licence may also need planning permission. Advertisement consent should be sought for any advertising within the street scene. The Council does not condone fly posting.

Standard Conditions

The Licensing Authority does not support the use of blanket conditions, which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned.

Enforcement

The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Licensing Authority, together with Warwickshire Fire Service and Trading Standards. This protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the protocol is available on request.

Attention is drawn to the targeting of agreed problem and high-risk premises requiring greater attention as identified in the protocol. Inspections of premises will be on a risk-assessed basis, to be undertaken when and if judged necessary. This may be assisted by the Multi Agency Enforcement Group, which considers complaints. (Information about this group is available separately)

8. Further Information

The Licensing Authority has produced guides for applicants and a summary of these are available.

Specialist legal advice should be sought from the applicants legal advisor. The Licensing Authority will only offer advice on the due process of an application.

The grant of any licence under the Licensing Act 2003 does not obviate the need for any permission or consent required under any other legislation.

The Licensing Authority cannot impose conditions or restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in section 6 above will apply, and should be considered by organisers. Further advice is available in *the guide to temporary events*

for applicants.

The Licensing Authority's Licensing Officers can only offer advice on the process for and progress of applications and as to whether particular activities fall to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises then you may wish to seek your own independent advice.