



RUNNYMEDE BOROUGH COUNCIL

LICENSING COMMITTEE

27 November 2003

APPENDICES

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**Framework for the Development of a
'STATEMENT OF LICENSING POLICY'**

(Subject to change when further guidance issued by the DCMS)

1. Introduction

1.1.1 Runnymede Borough Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of: -

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' – to the public, to club members or with a view to profit
- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Provision of facilities for making music
- Provision of facilities for dancing
- The supply of hot food and/or drink from any premises between 11pm and 5am

1.2 It indicates the general principles and the core policies on which decisions on applications for Licences are based. The aim of the policy is to secure the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. The Council as Licensing Authority in agreeing this statement of licensing policy, recognises both the needs of residents for a safe and healthy environment to live and work in and the importance of safe and well run entertainment premises to the local economy and vibrancy of the borough.

1.3 The statement provides guidance to applicants, objectors and interested persons on the general approach the Council will take in terms of licensing. Although each licence application will be considered separately on its individual merits, the Licensing Authority in adopting this statement of licensing policy is making it clear that wider considerations other than the fitness of the applicant and suitability of the premises will be taken into account.

2. The Policy

2.1 The Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

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

2.2 The Act further requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

2.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 177.

3. Consultation

3.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all who have views and concerns that require consideration as part of the licensing function.

3.2 The Council will consult with the Surrey Police, the Surrey Fire and Rescue Service and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the Borough. The consultation documents will also be on the website and available at the Civic Offices.

3.3 The Council will also consult with the British Transport Police, St Peters' Hospital Accident & Rescue Department, bus companies, the Taxi Association and local bodies representing consumers and promoting tourism and neighbouring authorities.

4. Main Principles

4.1 Nothing in the 'Statement of Policy' will:

- undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or
- override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act

4.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

4.3 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

4.4 The Council acknowledges that the licensing function cannot be used for the general control of individuals anti-social behaviour once they are beyond the direct control of the licensee of any premises concerned.

4.5 The Council acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

5. Crime and Disorder

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

5.2 The Licensees Operating Schedules will have to specify how a licence will operate by giving details of:

- The licensable activity
- The operating times for that activity
- Any other times the premises are open to the public

- If the period of the Licence is to be time limited, the period of time it will run for
- Where alcohol is supplied the name of the Premises supervisor
- Where alcohol is supplied whether it is for consumption on or off the premises
- The steps to be taken to promote the Licensing Objectives

It will also need to satisfactorily address issues from the design of the premises through to the daily operation of the business.

- 5.3 Applicants are recommended to seek advice from Council Licensing Officers and Surrey Police, as well as taking into account, as appropriate, local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 5.4 In addition to the requirements for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough
- 5.5 The Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises, and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder.

CUMULATIVE EFFECT

- 5.6 The Council will not take 'need' into account when considering an application, as this is a matter for planning control and the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.
- 5.7 Representations may be received from a responsible authority/ interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 5.8 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 5.9 The Council will take the following steps when considering whether to adopt a special saturation policy:
- gather evidence or identification of serious and chronic concern from a responsible authority or local residents about nuisance and disorder
 - identify the area from which problems are arising and the boundaries of that area
 - make an assessment of the causes
 - adopting a policy about future applications for premises within that area
- 5.10 The Council will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally of the grant of the particular application in front of them.
- 5.11 However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 5.12 The Council will review any special saturation policies every three years to see whether they have had the effect intended, and whether they are still needed.

- 5.13 The Council will not use such policies solely:
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
- 5.14 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 5.15 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.
- 5.16 The Council is keen to stress however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour, which occur away from licensed premises. These include:
- planning controls
 - ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
 - powers to designate parts of the Borough as places where alcohol may not be consumed publicly
 - confiscation of alcohol from adults and others in designated areas
 - police enforcement of the law with regard to disorder and anti-social behaviour
 - police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
 - the power of police, local businesses or residents to demand a review of the licence
 - enforcement action against those selling alcohol to people who are already drunk

The Council will address a number of these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

6. Public Safety

- 6.1 The Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 6.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 6.3 The Council will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from Council Health and Safety Officers and the Surrey Fire and Rescue Service before preparing their plans and Schedules.
- 6.4 The Council will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety'.

7. Prevention of Nuisance

- 7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 7.2 The concerns mainly relate to noise nuisance, light pollution and noxious smells and due regard will be taken on the impact these may have and the Council will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Protection Division staff before preparing their plans and Schedules.
- 7.3 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance'.

**8. Prevention of Harm to Children
ACCESS TO LICENSED PREMISES**

- 8.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 8.2 While the Act does not prohibit children from having free access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 8.3 The Council will consult with the appropriate Area Child Protection Committee on any application that indicates there may be concerns over access for children
- 8.4 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - where there is a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises
 - where entertainment of an adult or sexual nature is commonly provided
- 8.5 The Council will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
 - Limitations on ages below 18
 - Limitations or exclusion when certain activities are taking place
 - Requirements for an accompanying adult
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 8.6 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 8.7 The Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

ACCESS TO CINEMAS

- 8.8 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 8.9 In order to prevent children from seeing such films, the Council will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC).

CHILDREN AND PUBLIC ENTERTAINMENT

- 8.10 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 8.11 Where a regulated entertainment is specially presented for children, the Council will require the following arrangements in order to control their access and egress and to assure their safety:
- an adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - no child unless accompanied by an adult to be permitted in the front row of any balcony
 - no standing to be permitted in any part of the auditorium during the performance
- 8.12 The Council will expect the submitted Operating Schedules to satisfactorily address these issues.
- 8.13 The Council will consider attaching Conditions to licences and permissions to prevent harm to children, and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm.

9. Licensing Hours

- 9.1 The Council recognises that longer licensing hours for the sale of alcohol would avoid large numbers of people leaving premises at the same time. This in turn could reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.
- 9.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 9.3 This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance the Act is trying to avoid.
- 9.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.

SHOPS, STORES AND SUPERMARKETS

- 9.5 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 9.6 However, it may consider there are very good reasons for restricting those hours, for example, where police representations made in respect of shops known to be the focus of disorder and disturbance.

10. Integrating Strategies and Avoiding Duplication

- 10.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 10.2 Many of their strategies deal in part with the licensing function, and the Council will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies.
- 10.3 The Council will arrange for protocols with the Surrey Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from the town centre to avoid concentrations which can produce disorder and disturbance.
- 10.4 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their decisions:
- the needs of the local tourist economy and cultural strategy for the Borough, and,
 - the employment situation in the Borough and the need for investment and employment where appropriate
- 10.5 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application.
- 10.6 The Council will ensure that regular reports are sent from the Licensing Committee to the Planning Committee advising them of the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder to assist them in their decision-making.
- 10.7 The Council recognises the need to avoid so far as possible duplication with other regulatory regimes.
- 10.8 However, some regulations do not cover the unique circumstances of some entertainment and the Council will consider attaching Conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

11. Standard Conditions

- 11.1 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.
- 11.2 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Council will consider attaching Conditions drawn from the relevant Model Pools of Conditions

12. Enforcement

- 12.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act and the Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 12.2 The Council will work closely with Surrey Police to establish protocols to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high risk premises.

13. Live Music, Dancing and Theatre

- 13.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 13.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Council will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 13.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

14. Administration, Exercise and Delegation of Functions

- 14.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 14.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 14.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting
- 14.4 The Table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 14.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises Certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club registration Certificate		If a representation made	If no representation made
Application to vary designated personal licence holder	If a police representation		All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence	If a police representation		All other cases
Application for Interim Authorities	If a police representation		All other cases
Application to review premises licence/club premises Registration	All cases		
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notices		All cases	