



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 25TH NOVEMBER 2013
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), S. J. Baxter, J. R. Boulter, J. S. Brogan, M. T. Buxton, S. J. Dudley, J. M. L. A. Griffiths, P. A. Harrison, H. J. Jones, R. J. Shannon, S. P. Shannon and P. J. Whittaker

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 30th September 2013 (Pages 1 - 4)
4. Worcester Road Hackney Carriage Stand - Update (Pages 5 - 20)
5. Licensing Act 2003 - Review of Statement of Licensing Policy (Pages 21 - 60)
6. Licensing Committee Work Programme 2013/2014 (Pages 61 - 62)

7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

11th November 2013



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- Meeting Minutes
- The Council’s Constitution

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 30TH SEPTEMBER 2013 AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), S. J. Baxter, M. T. Buxton, J. M. L. A. Griffiths, P. A. Harrison, H. J. Jones and P. J. Whittaker

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

16/13 **APOLOGIES**

Apologies for absence were received from Councillors J. R. Boulter, J. S. Brogan, S. J. Dudley, R. J. Shannon and S. P. Shannon.

17/13 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

18/13 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 24th June 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

19/13 **SCRAP METAL DEALERS ACT 2013**

The Committee considered a report on the Scrap Metal Dealers Act 2013 which received Royal Assent on 28th February 2013 and would come into force on 1st October 2013.

The main aim of the 2013 Act was to raise standards within the scrap metal industry.

The Senior Licensing Practitioner introduced the report and in doing so highlighted that in order to meet the implementation date of 1st October 2013 a report had had to be presented to Council at the meeting held on 25th September 2013. The report sought Members approval to set the fees so that the legislation could be implemented and to delegate authority to the Head of Worcestershire Regulatory Services to carry out all other functions and exercise all other powers provided under the Scrap Metal Dealers Act 2013, as detailed at section 3.20 of the report. Council resolved that Licensing Sub-Committees would consider any representations made by the applicant or

licensee and that authority be delegated to Licensing Sub-Committees to refuse applications and to revoke or vary licences.

The Senior Licensing Practitioner responded to Members' questions with regard to existing scrap metal dealers and mobile collectors. Members were informed that all known scrap metal dealers within the district had been notified of the requirement to apply for a site licence. A site licence would identify all sites in the authority's area at which the licensee was authorised to carry out business and would be displayed on site. Worcestershire Regulatory Services, licensing officers had received a number of enquiries from mobile collectors. In order to carry on business as a mobile collector, mobile collectors would have to apply for a collector's licence from each of the authority areas they intended to collect in. A mobile collector would be issued with a collector's identity card and their licence should be displayed on their vehicle.

The Senior Licensing Practitioner highlighted that the site licensee was required to keep more robust and detailed records and documentation. A site licensee could only purchase scrap metal by means of an electronic transfer and not by cash payment.

Further discussion followed on 'suitability' with officers informing the Committee that further guidance was still to be issued by the Government. Once received and if officers were of the opinion that the guidance was not descript enough officers would report back to a future meeting of the Committee. Councillor M. T. Buxton drew Members' attention to page 17 of the report – suitable person.

The Senior Licensing Practitioner informed Members that press releases would be issued in order to raise public awareness of the Scrap Metal Dealers Act 2013 and the requirement to hold a site licence and for mobile collectors to hold a collector's licence. The Chairman further informed Members that she had requested additional press releases in order to raise public awareness.

RESOLVED that the Scrap Metal Dealers Act 2013 report be noted.

20/13 **WORCESTER ROAD TAXI RANK - UPDATE**

The Committee considered a report that provided an update regarding the proposal to amend the Worcester Road Hackney Carriage stand to incorporate a further 7/8 ranks spaces.

The Senior Licensing Practitioner introduced the report and in doing reminded Members of the report that had been presented to the Licensing Committee at the meeting held on 20th May 2013, where Members had agreed to the proposal to amend the Worcester Road Hackney Carriage stand to incorporate a further 7/8 ranks spaces and that a public consultation be carried out.

As detailed in section 3.10 of the report, the funding for the works to the carriageway necessary to facilitate the extension of the stand was anticipated

to be provided as part of the project to regenerate the High Street in Bromsgrove. The start of the public consultation was delayed in order to allow officers extra time to confirm the availability of this funding. Following a number of discussions and meetings between officers it was subsequently confirmed that the funding would be made available.

Now that the funding had been confirmed for the required works, the public consultation on the extension of the Hackney Carriage stand had commenced and the required public notice was published in the Bromsgrove Standard newspaper on 13th September 2013. Consultation letters have been delivered to residents and businesses in the vicinity and all the proprietors of vehicles licensed by Bromsgrove District Council for use as Hackney Carriages. The consultation would run until the 11th October 2013. Any representations or objections received would be brought back to the next meeting of the Licensing Committee.

RESOLVED that the contents of the report be noted.

21/13 **LICENSING COMMITTEE WORK PROGRAMME 2013/2014**

The Committee considered the Work Programme for 2013/2014.

Following further discussion on Street Collections it was

RESOLVED:

- (a) that the Senior Licensing Practitioner be tasked to provide Members with detailed information on street collection licences issued by Worcestershire Regulatory Services during the last 12 months; and
- (b) that the Work Programme be updated to include the items discussed and agreed by the Committee during the course of the meeting.

The meeting closed at 6.44 p.m.

Chairman

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LICENSING COMMITTEE

25th November 2013

WORCESTER ROAD HACKNEY CARRIAGE STAND - UPDATE

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

1. SUMMARY OF PROPOSALS

To provide members with details of the responses received during the public consultation on the proposal to amend the Worcester Road Hackney Carriage stand to incorporate a further 7/8 ranks spaces approximately.

2. RECOMMENDATIONS

Members are asked to RESOLVE whether to:

- (a) proceed with the current proposal,
- (b) ask officers to explore other options for creating additional rank spaces in the Worcester Road area, or
- (c) not proceed with the proposal to provide additional rank spaces in the Worcester Road area.

3. KEY ISSUES

Financial Implications

- 3.1 The cost of any public notices and other administrative costs have so far been met from existing budgets held by Worcestershire Regulatory Services and any additional costs would have to be met by the same budgets if other options are pursued.
- 3.2 The cost of amendments to the Traffic Regulation Order will be met by the Highways Authority; who is also responsible for marking out of any changes to the road.

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Legal Implications

- 3.3 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke Hackney Carriage Stands (ranks). This allows district councils to “appoint stands for Hackney Carriages” either on public highways or private land and the stands can be for either continual or part-time use.
- 3.4 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.5 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.6 Additionally a district council cannot create a Hackney Carriage stand:
- (a) so as unreasonably to prevent access to any premises;
 - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator’s licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
 - (c) on any highway except with the consent of the highway authority;
- 3.7 The Traffic Regulation Order for Worcester Road would need to be amended and Worcestershire County Council’s Highways Unit has the power to do this. There is also statutory consultation period as part of their process.

Service / Operational Implications

- 3.8 At the Licensing Committee meeting that took place on 20th May 2013, Members considered a report concerning a request from the Bromsgrove Taxi Association with support from the West Mercia Police to amend the Worcester Road Hackney Carriage stand to incorporate a further 7/8 ranks spaces.

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- 3.9 The Licensing Committee agreed with this proposal and resolved to carry out a public consultation on the proposal.
- 3.10 The funding for the works to the carriageway necessary to facilitate the extension of the stand was anticipated to be provided as part of the project to regenerate the High Street in Bromsgrove.
- 3.11 Following the Licensing Committee meeting on 20th May 2013, the start of the consultation was delayed to allow officers extra time to confirm the availability of this funding and a number of discussions and meetings took place between officers. It has subsequently been confirmed that the funding is available.
- 3.12 In the intervening period officers from Worcestershire Regulatory Services have also been engaged in dialogue with the relevant officers from West Mercia Police and the Highways Department of Worcestershire County Council and have met on site to discuss the proposal.
- 3.13 Now that it has been confirmed that the funding for the required works is available, the public consultation on the extension of the Hackney Carriage stand has been commenced. A plan showing the location of the proposed Hackney Carriage stand can be seen at Appendix 1.
- 3.14 The required public notice was published in the Bromsgrove Standard newspaper on Friday 13th September 2013.
- 3.15 Consultation letters were sent to all the proprietors of vehicles licensed by the Council for use as Hackney Carriages.
- 3.16 Consultation letters were also been delivered to residents and businesses in the vicinity of the proposed Hackney Carriage stand.
- 3.17 The consultation ran until 11th October 2013 and during the consultation a number of comments and objections were received from various parties. The responses that were received during the consultation can be seen at Appendix 2.
- 3.18 Various representatives of businesses located in Worcester Road have made comments and raised objections to the proposal.
- 3.19 The Traffic Management Advisor for West Mercia Police has also indicated that they cannot support the present proposal
- 3.20 A Senior Traffic Management Engineer for Worcestershire County Council Highways has said that they also have concerns about the proposal.

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3.21 In light of the responses received, Members are asked to consider and resolve how they wish to proceed.

4. RISK MANAGEMENT

4.1 The main risk associated with the detail included in this report is:

- To ensure that public transport is readily available, accessible and effective in contributing to the night time economy.

5. APPENDICES

Appendix 1 – Location Plan

Appendix 2 – Copy of responses received during consultation

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services
E Mail: d.etheridge@worcsregservices.gov.uk
Tel: (01527) 534121

KEY

- Existing Surface Course to be heated and milled to 50mm depth. New surface course to be 50mm thick. New surface course to be 50mm thick.
- Existing granitic kerbs to be retained and replaced.
- Proposed kerbs to be replaced by the milled brick kerbs to be detailed to the road finish and 'Roadwork' sign. Kerbs to be replaced by the milled brick kerbs to be detailed to the road finish and 'Roadwork' sign.
- Roadway enclosed with raised kerbs and brickwork to be retained. New surface course to be 50mm thick. New surface course to be 50mm thick.
- Manholes, Sewer Trunked Concrete Paving at stormwater pits on line leaving zone.
- Manholes, Sewer Trunked Concrete Paving at stormwater pits on line leaving zone.
- Manholes, Sewer Trunked Concrete Paving at stormwater pits on line leaving zone.
- Manholes, Sewer Trunked Concrete Paving at stormwater pits on line leaving zone.
- Existing surface paving at crossroads to be replaced with new paving. New paving to be 50mm thick. New paving to be 50mm thick.
- 25mm thick AC/S Dense Surf, 100/150
- 100mm thick AC/S Dense Surf, 100/150
- Proposed roadwork signs to be detailed to the road finish and 'Roadwork' sign. Kerbs to be replaced by the milled brick kerbs to be detailed to the road finish and 'Roadwork' sign.
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NOTES

- Reference to be made in notes, office files, then shown.
- Refer to Drawing No. P2195/17 for Highway and Footway construction details.
- Refer to Drawing No. P2195/17 for Highway and Footway construction details.
- All kerbs, barriers and other specialist furniture to be removed.
- Refer to Drawing No. P2195/17 for Highway and Footway construction details.
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Legend:

- Water Bn
- Pedestrian Guard Rail (m)

Drawing No:	P2195/14D
Project:	High Street, Bromsgrove Improvements
Client:	Bromsgrove District Council
Date:	Jul 2012
Scale:	1:200
Drawn:	PTL
Checked:	IS
Designed:	IS
Drawn:	PTL

Project:
High Street, Bromsgrove Improvements

Drawing:
Worcester Road, General Layout (Sheet 1 of 4)

Client:
Bromsgrove District Council

Address:
Town Hall, Worcester Road, Worcester, Worcestershire, Worcester B66 9AH

Scale:
1:200

Date:
Jul 2012

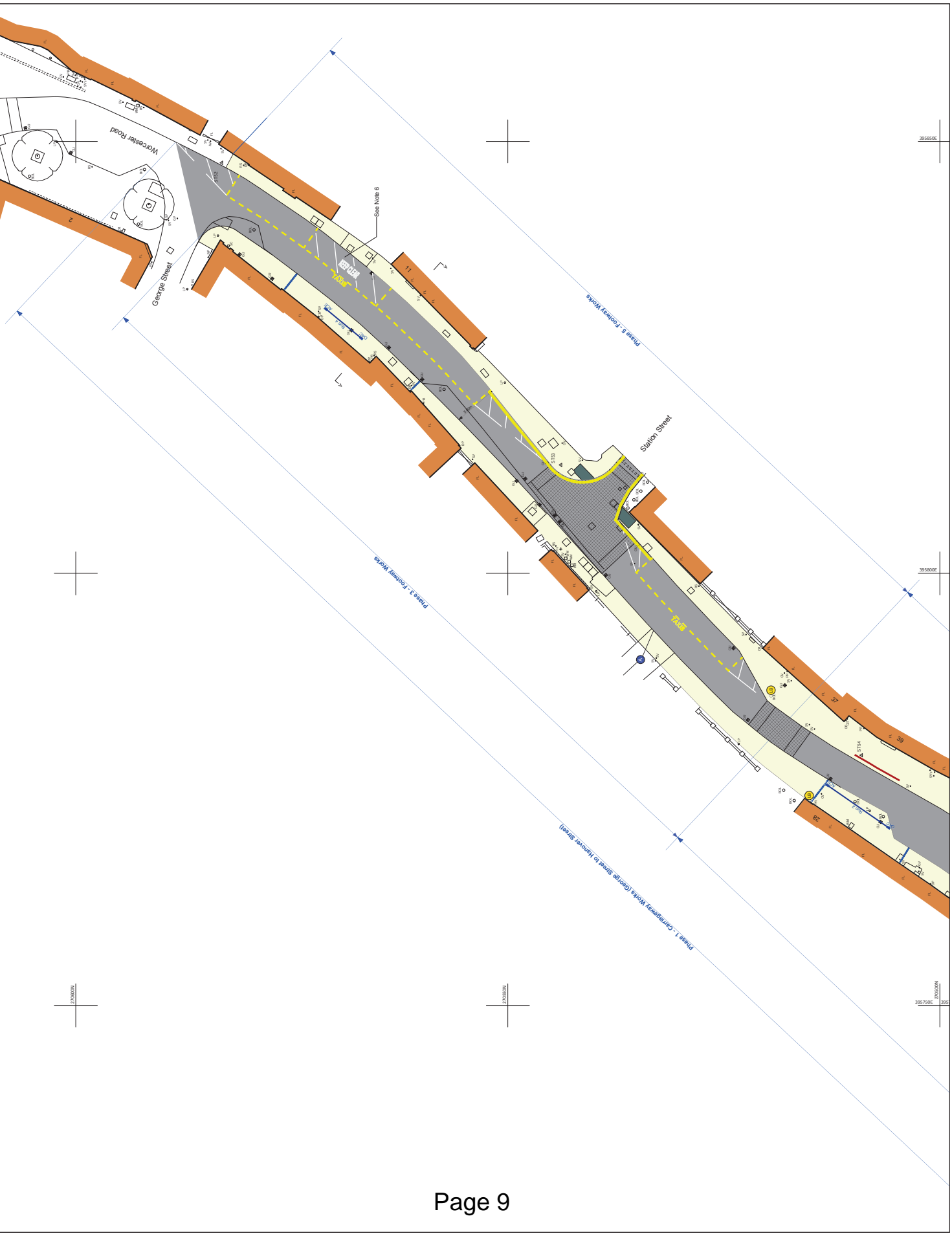
Drawn:
PTL

Checked:
IS

Designed:
IS

Redditch Borough Council
making difference
www.redditchbc.gov.uk

Bromsgrove District Council
www.bromsgrove.gov.uk



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From: Haynes, Robert [REDACTED]
Sent: 08 October 2013 12:16
To: wrs.licensing
Subject: Proposal to Appoint a Hackney Carriage Stand, Worcester Road, Bromsgrove

Dear Ms Garratt,

**Section 63 of the Local Government (Miscellaneous Provisions) Act 1976
Notice to Chief Officer of Police of Proposal to Appoint a Hackney Carriage
Stand, Worcester Road, Bromsgrove.**

In the absence of my colleague Mr Mike Digger (Traffic Management Advisor for Worcestershire) I am sending this e-mail on behalf of the Chief Constable in response to your letter dated 9th September 2013 in relation to the above mentioned proposal and accompanied drawing no P2195/14D.

I have fully read the contents of the letter and have also visited the location subject of the proposal.

I do have some observations to make on this proposal.

1. The proposed hackney carriage stand site is opposite an existing car parking area i.e. Parking 8am - 6.30pm. 30mins. No return within 1 hour. Presumably after 6.30pm there are no restrictions and any vehicle can park. If this is the case and this car parking area does remain then with the new 7 space hackney carriage stand operating from 7pm -7am there will insufficient width for motorists to use Worcester Road.

2. Station Street is a two way road and visibility may be an issue to the right to the hackney carriage stand, when exiting out of Station Road onto Worcester Road.

My view at this time must be that I am unable to offer support for this proposal.

I understand that my colleague Mike Digger is aware of this proposal and indeed has held a site meeting with Mr Nick Churchill, Team Leader of the Traffic Management Department at Worcestershire County Council. It was suggested that the parking area on the opposite side to this proposal should be extended and utilised as the new hackney carriage stand from 7pm-7am with this area being used by motorists from 7am-7pm .I would suggest that Mr Churchill be liaised with ASAP prior to any further action being taken.

Regards

Bob Haynes

Traffic Management Advisor
West Mercia Police
(Herefordshire & Malvern Hills)

From: Williams, Gary (BEC) [REDACTED]
To: Susan Garratt
Cc: Churchill, Nick (BEC); Clewer, Richard (BEC)
Subject: FW: taxis

Hi Sue,

Nick has forwarded this to me for response. I have also had a look on site.

Looking at the plan and Martin's comments, the idea is to provide 5 spaces for general daytime parking and 7 evening spaces for taxis on the south east side of Worcester Road.

Shared-use spaces of this type are permissible under prevailing regulations subject to making the appropriate changes to Traffic Regulation Orders (see below) BUT we would have to express strong concerns about the practicalities, specifically:

1. Potential obstruction for larger vehicles exiting George Street caused by vehicles parked in the two spaces proposed for the town end. Swept paths indicate that, for example, an 8m rigid refuse truck would not be able to exit George Street with vehicles parked in those two spaces – even with the nib removed.
2. The middle two spaces are located in front of the private access to substantial off-street premises (CCSG building). The access appears also to serve commercial premises fronting Worcester Road, specifically Gough Bailey Wright Accountants. We note that these spaces would be for the use of taxis only between 7pm and 7am. However, can it be guaranteed that there will be no requirement for overnight vehicle access to these premises? We cannot think of any other locations where we have actively considered formalising parking activity in front of the access to private premises and it is not something we could support here. At worst, this could be seen as encouraging drivers to break the law (bearing in mind that obstruction of an access is an offence).

In view of the above, it looks like the proposal shown on the plan will create just 4 usable spaces on the south east side. This compares to 4 in the existing lay-by on the opposite side (NB based on 6m per car in a 24m long lay-by, allowing space in front and behind; taxis can park bumper-to-bumper so feasibly there is room for 5). On that basis, there appears to be no benefit in relocating the parking.

Those concerns aside, once we have an agreed proposal to consult upon, the process is as follows:

- Initial consultation with various statutory bodies including Police, Road Haulage Association and Freight Transport Association. We would also consult the taxi trade/licensing authority at this stage
- Report to local County Councillor seeking authorisation to advertise the proposal
- Advertisement in local paper and by public notice on site seeking objections/representations
- If NO objections, make TRO and implement
- If ANY objections, have to repeat consultation with Police and County Councillor at the very least before proceeding to implement the proposal without changes. Further

public consultation will be required if it is necessary to change the proposal in response to objections received.

Please let me know if you need any further information.

Regards,

Gary Williams
Senior Traffic Management Engineer
Worcestershire County Council



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Principal Licensing Officer
Bromsgrove District Council
The council House
Burcot Lane
Bromsgrove
B60 1AA



24/9/2013

Dear Sir/Madam,

Re Proposal for the Hackney Carriage Stand – Worcester Road.

I wish to object to the proposal for the Hackney Carriage Stand in Worcester Road on the following grounds:

1. Flooding

This part of Worcester road regularly floods in heavy rain. The buildings either side of us have flooded in the past and we would have on more than one occasion if I had not barricaded the door. Moving the road closer to us will make this problem significantly worse for 2 reasons:

- 1.1 The road and/or curb height will have to be lowered as the pavement slopes from the curb towards our building.
- 1.2 The wash from cars driving down the road through the flood water is already a major problem, moving the road closer will accentuate this.

2. Health and Safety

Reducing the width of the pavement outside the restaurant will become a major health and safety risk:

- 2.1 Cars already speed down the road, straightening it will make this worse.
- 2.2 We have many families coming to the restaurant and children leaving the restaurant onto a narrow pavement are at risk of stepping into the road and being hit by cars. An even greater risk is to mothers leaving with pushchairs.
- 2.3 We have a number of wheelchair users come to the restaurant. There will barely be enough room to exit the building in a wheelchair and turn left or right.
- 2.4 Customers of ours who want to smoke have to stand in the street. This will congest a now narrow pavement resulting in people stepping into the road to get past. And possibly causing conflict with passer's by.
- 2.5 The pavement will be particularly narrow outside no 8 Worcester Road causing a bottleneck and resulting in people (particularly large groups of young people who have been drinking) on their way to the Dog and Pheasant stepping into the road as the pavement suddenly narrows.

3. Effects on our business

Narrowing the pavement outside of our premises will have a detrimental effect on our business:

- 3.1 Our elderly customers will lose access to the few parking spaces that are close to the restaurant.
- 3.2 We have customers who arrive on mobility scooters. They leave their mobility scooters outside and come into the restaurant. There will not be enough room for them to do this if the pavement is narrowed.

Maekong Thai Ltd, 12 Worcester Road, Bromsgrove, Worcestershire, B61 7AE
Tel: 01527 578888 Fax: 01527 579988 email: enquiries@maekongthai.co.uk

Maekong Thai is the trading name of Maekong Thai Ltd. Registration No: 6147712 England and Wales
Registered Office: 18 Woodstock Road, Coventry, CV3 5HQ

3.3 We regularly have deliveries of pallets of dry goods. Currently the pavement is wide enough that a pallet does not block the pavement. Reducing the pavement width will mean the pallet will totally block the pavement for the 10-15 minutes it takes us to unload it.


3.4 Taxi drivers generally leave their vehicles running whilst waiting which means we will be unable to keep our front door open in the summer due to the noise and the fumes from the taxis waiting in the taxi rank.

I can understand the current issues regarding taxis queuing on Station Road however I think a better solution would be to move the taxi rank further down Worcester road where it is much wider and there is probably room to add a taxi rank and keep the existing parking. This would also have the advantage of moving people who are waiting for a taxi away from the trouble spots outside the night club and the Dog and Pheasant pub.

I would also like to know:

1. Is the area that is currently a loading bay remaining as such during the day?
2. Is daytime parking available in the remainder of the taxi rank?
3. Why the taxi rank is starting at 7pm when I've never seen a queue of more than 3 taxis until well after 10pm?
4. Why the taxi rank remains in force until 7am when Worcester road is deserted from 3am onwards?

Yours Sincerely,



A.G.Docherty

For and on behalf of Maekong Thai Ltd

12 Worcester Road, Bromsgrove, Worcestershire, B61 7AE

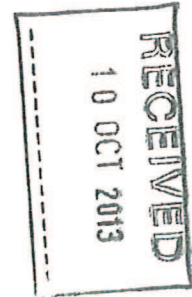
Tel: 01527 578888 Fax: 01527 579988 email: enquiries@maekongthai.co.uk

Ann Marie Bridal Studio
17 Worcester Road
Bromsgrove
B61 7DL



5 October 2013

Principle Licensing Officer
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA



Dear Sir/Madam,

I, the owner of Ann Marie Bridal Studio would like to formally object to a proposal for a Hackney Carriage Stand on the Worcester Road.

The main objection that I have is that on certain nights of the week we will have members of the public who will be intoxicated causing a nuisance. This could potentially result in my external glass being broken if a fight breaks out which is already an issue with businesses opposite the nightclub on the Worcester Road.

This will be the main area that members of the public will wait for taxis which could potentially result in broken beer glasses, vomit, litter, discarded food being left on my shop frontage.

I would like my objections raised in this letter to be considered before a final decision is reached about whether to proceed with the proposal.

Yours sincerely

Ann Marie Stanton

Ann Marie Bridal Studio

From: [REDACTED]
Sent: 10 October 2013 15:36
To: wrsenquiries
Subject: Road

Dear Sirs
Attn:: Dave Etheridge

May I make reference my recent telephone call in response to the proposed taxi rank scheme within Worcester Rd, Bromsgrove.

We run a Music School at 13-15 Worcester Rd. We teach approx 170 students a week, the majority of which are of school age.

The current situation is that parents will utilize the existing pull in facility to drop off or collect their children during the evenings

I believe the current proposals will stop this from happening, which will have a detrimental effect on our business.

Whilst I have no objection to the creation of a taxi rank, the existing facility does not allow for any parking of vehicles outside the restrictions imposed for taxi's, this appears to be a complete waste of space, when there is not enough parking available within Bromsgrove. The current proposals, if following suit, would mean that most of Worcester Rd, would have no daytime parking, and taxi's only during the evening

I am also very concerned about the proposed 7pm-7am period of restrictions. This seems an arbitrary time period. There is no requirement for any taxi rank before at least 10pm and then only on Fridays and Saturdays. There are no customers waiting until at least 11-30 on those evenings, therefore the proposal will have a major detrimental impact on the local businesses.

I would be grateful if you could advise me of the decision making process and facts available that were employed when making the restricted time allocation. Did representations from the Police suggest that there was a need from 7pm due to the number of taxis and clients in this location at that time?

I am very concerned as to the impact of the proposals as they stand during a time of economic instability that we have been enduring. As a leisure business we have had to endure rising costs along with parents reappraisal of costs associated with music tuition, and I felt that any other impositions will dramatically impact on our business.

I therefore wish to object to the proposals in relation to the area between George Rd and Station St

Regards

Bromsgrove School of Music



Bromsgrove Printing Co. Ltd

14 Worcester Road, Bromsgrove,
Worcestershire, B61 7AE

Tel: 01527 873181

Fax: 01527 570044

Email: sales@bromsgroveprinting.co.uk

Web: www.bromsgroveprinting.co.uk

October 10th 2013



Principal Licensing Officer
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcs.
B60 1AA

Dear Sir or Madam,

Re: Proposal for the Hackney Carriage Stand – Worcester Road

I wish to object to the proposal for the Hackney Carriage Stand in Worcester Road on the following grounds.

1. Access In and Out of Our Driveway.

This private driveway is in use 24 hours a day. During the day we use this for our business and for the staff to park and also for delivery of goods. At night the drive is used by one tenant in the flats above. To pull into the drive you need a good area because of the narrow road and also the same to reverse out. If the taxi rank as taxi's parked in this at night then you have lost that area that you require to gain access in and out. If there is parking allowed in this bay during the day then we will not have any access at all. The taxi area / parking area needs to be shorten to enable us to have access to the property.

2. Flooding.

This part of Worcester Road regularly floods in heavy rain, by moving the pavements closer to us will only make this more likely to flood. We have to sand bag inside and outside our front doors at present. The rain water comes down Station Street and the drains just can not take the water away fast enough. The wash from the cars driving down the road at present is bad enough and this causes a wave which then comes through our shop front. Having the road wider means traffic will

drive even faster and cause even more waves which means even more flooding problems.

3. Effects on our Business.

If we are losing the one parking bay this will be a great loss to us, because our customers use this to park in for ordering goods and collection of work. I know they could use the other parking bay or the car park, but I feel they would not do this and then take their business elsewhere where it is more convenient to park.

4. Noise from Taxis in the Evening on my Tenants.

I am very concerned about the noise from the taxis and customers at night, if there is noise my tenants may not stay and then I might find it difficult to acquire and keep new ones.

Why can't the taxi rank be at the other end of Worcester Road which is not as narrow as this end or why can't it be on the Market Place car park which makes a lot of common sense.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Mr P Nokes

From: Paul Richards [REDACTED]
Sent: 11 October 2013 08:25
To: Rita Dent
Subject: Hackney Carriages

Dear Sir or Madam,

I write to object to the proposed Hackney Carriage Stand in Worcester Road, Bromsgrove. This road is often congested in the evening as pedestrians descend upon the local takeaways after an evening out, and the pavement is width is already insufficient. Motorists would also require parking on this road to collect their telephone orders, as well as the restaurants on this road that offer a home delivery service. **If people leaving these establishments are waiting for taxi cabs in this area; they may become a public nuisance and cause damage to the neighbouring businesses and properties owing to the nature of this enclosed area.** In the event of an accident or incident, I would be concerned that an emergency service vehicle would have difficulty in accessing this narrow one lane road.

Most people who require taxis tend to have mobile telephones to summon them to their current location, and that taxi cabs booked in this manner have the assurance that the customer is using a legitimate taxi firm; and that the customer is insured for their journey.

As the old Market building on Market Place is being developed into a cinema, I would propose that this would be a more convenient waiting area for those requiring taxi cabs. Perhaps you should take a look yourself tonight; after all it is only just around the corner from the Unionist Club?!

Yours sincerely,

Paul Richards

Redditch & Bromsgrove CAMRA

LICENSING COMMITTEE

25th November 2013

LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

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

1. SUMMARY OF PROPOSALS

To ask Members to consider a draft revised Statement of Licensing Policy and to approve this draft for the purpose of consultation with all relevant parties.

2. RECOMMENDATIONS

Members are asked to **RESOLVE**;

That the draft revised Statement of Licensing Policy shown at Appendix 1 is approved for the purpose of consultation with all relevant parties.

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

**LICENSING
COMMITTEE**

25th November 2013

Service / Operational Implications

- 3.3 Bromsgrove District Council's existing statement of Licensing Policy was published on 7th January 2011
- 3.4 Section 5 of the Licensing Act 2003 currently requires Licensing Authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement must be approved by Council and published no later than 7th January 2016.
- 3.5 Whilst the Council are not legally required to review the Statement of Licensing Policy for another 2 years, it is felt desirable to review the Policy at this stage as a result of the large number of changes to the legislation and statutory guidance since the existing Policy was published in January 2011.
- 3.6 A draft revised Statement of Licensing Policy can be seen at Appendix 1.
- 3.7 The policy has been completely redrafted and is based on a template provided by the Local Government Association. It is intended that a Statement of Licensing Policy based on this template will be adopted by all of the licensing authorities in Worcestershire.
- 3.8 The legislative changes reflected in the policy include:
- The introduction of the Licensing Authority as a Responsible Authority
 - The introduction of the relevant Heath Body as a Responsible Authority
 - The removal of the vicinity test
 - The reduction of the evidential burden on Local Authorities
 - The changes made to Temporary Events Notices
 - The power to suspend licences for non payment of fees
 - The power to introduce Early Morning Restriction Orders and a Late night Levy
 - The Live Music Act 2012
 - Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013
- 3.9 Section 5 (3) of the Licensing Act 2003 also makes it a requirement that before determining or revising its Policy for a three year period, a Licensing Authority must consult:-

**LICENSING
COMMITTEE**

25th November 2013

- (a) the Chief Officer of Police for the Licensing Authority's area;
 - (b) the Fire Authority for that area;
 - (c) such persons as the Licensing Authority considers to be representative of holders of Premises Licences issued by that Authority;
 - (d) such persons as the Licensing Authority considers to be representative of holders of Club Premises Certificates issued by that Authority;
 - (e) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that Authority; and
 - (f) such other persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- 3.10 The Committee is asked to approve the draft revised Statement of Policy for the purpose of consultation with all relevant parties.
- 3.11 The consultation will be carried out for a period of twelve weeks and responses received during the consultation will be brought before the Committee during 2014 and considered fully before a revised Statement of Licensing Policy is formally approved.

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 – Draft Revised Statement of Licensing Policy

6. BACKGROUND PAPERS

Existing Statement of Licensing Policy

AUTHOR OF REPORT

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Worcestershire Regulatory Services
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Bromsgrove
District Council

www.bromsgrove.gov.uk



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

Bromsgrove District Council,
The Council House,
Burcot Lane,
Bromsgrove,
Worcestershire,
B60 1AA

www.bromsgrove.gov.uk

Revised with effect from **DATE**

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1.0 Introduction

- 1.1 Bromsgrove District Council (the Council) is a licensing authority under the Licensing Act 2003 and therefore has responsibilities for the administration and enforcement of the Act within the District.
- 1.2 These include, among other duties, the granting of premises licences, club premises certificates, temporary events notices and personal licences in the District in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 Bromsgrove District is one of three Local Authorities in the north of Worcestershire and has a population of approximately 88,000 and is mainly rural in character (90% of the area is classed as green belt), and has a total area of 83.9 square miles.
- 1.4 The principal town in the district is Bromsgrove with three other significant towns, namely Rubery, Wythall and Hagley, which are then surrounded by numerous villages, each with their own individual character.
- 1.5 Due to its central location in the UK, the district has excellent transport links by road and rail and has a thriving local economy in which premises licensed for sale of alcohol play a prominent part.
- 1.6 Bromsgrove District Council's overall vision is to "work together to build a district where people are proud to live and work through community leadership and excellent services." This policy statement accords with our vision and Council objectives.

2.0 Licensing Objectives and Aims

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

The licensing objectives are:

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

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

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

They include:

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

3.0 Scope of the Licensing Authority's Functions

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

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

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

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

4.0 Purpose of the Statement of Licensing Policy

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

5.0 General Principles

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

6.0 Applications for Premises Licences and Club Premises Certificates

6.1 The relevant application forms and associated documents can be obtained from the licensing authority's website or from licensing officers during normal office hours.

6.2 Along with the application form, applicants must also submit an operating schedule and plans of the premises to which the application relates. Plans will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. The licensing authority does not require plans to be professionally drawn as long as they clearly show all the prescribed information.

6.3 Through their operating schedule, applicants will be expected to demonstrate the positive steps that they will take to promote the four licensing objectives.

Operating Schedules

6.4 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. The licensing authority expects an operating schedule to indicate the positive steps that the applicant proposes to take to promote the licensing objectives.

6.5 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the licensing objectives.

6.6 The licensing authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the licensing authority and other responsible authorities prior to submitting them.

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

6.8 The operating schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at and the intended use of the premises;
- The times during which the licensable activities will take place;

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

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

Guidance on Completing an Operating Schedule

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

(a) Prevention of Crime and Disorder

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

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

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

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

6.15 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent crime and disorder in the District.

6.16 When considering all licence applications the licensing authority will take into account the measures proposed to deal with the potential for, and the prevention of, crime and disorder having regard to all circumstances of the application.

Applicants should include information on these issues within the operating schedule for the premises.

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

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

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

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

(b) Public Safety

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

The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these public safety issues. Applicants are encouraged to

seek advice from licensing authority officers and the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

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

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

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

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

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

(c) Prevention of Public Nuisance

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

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

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

6.27 When considering all licence applications, the licensing authority will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.

6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:

- i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- ii) The structural suitability of the premises to provide the licensable activities sought including for example matters such as whether the premises benefits from double glazing and lobbied doors.
- iii) preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
- iv) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
- v) ensuring staff leave the premises quietly;
- vi) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
- vii) provision for public transport (including taxis and private hire vehicles) for patrons;
- viii) whether licensed taxis or private hire vehicles are likely to disturb local residents;
- ix) whether routes to and from the premises on foot, by car or other services pass residential premises;
- x) the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- xi) the use of gardens and other open-air areas;
- xii) the location of external lighting, including security lighting that is installed;
- xiii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
- xiv) preventing the consumption or supply of illegal drugs, including search procedures;
- xv) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
- xvi) the history of previous nuisance complaints proved *to have taken place* at the premises, particularly where statutory notices have been served on the present licensees.

6.29 The licensing authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;
- powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these

- areas;
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of responsible authorities or interested parties to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

(d) Protection of Children from Harm

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

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

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

7.0 Representations

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

(a) Representations from Responsible Authorities

- 7.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the licensing authority’s website.
- 7.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 7.10 The licensing authority recognises that every responsible authority can make representations relating to any of the four licensing objectives. However the licensing authority would normally expect representations about the promotion of individual licensing objectives to come from the most relevant responsible authority with expertise in that particular area. For example the licensing authority would expect representations about the prevention of crime and disorder to come

primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

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

(b) Representations from Other Persons

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

8.0 Licensing Hours

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

9.0 Conditions on Licences and Certificates

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

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

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

10.0 Reviews

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

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 10.11 The licensing authorities is aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion.
- 10.12 The licensing authority believes that more than one review originating from a person other than a responsible authority in relation to a particular premises should not normally be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 10.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 10.14 Guidance on applying for a review of a licence or certificate, along with the necessary forms, can be found on the licensing authority's website.

11.0 Minor Variations

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

12.0 Cumulative Impact

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

13.0 Enforcement and Complaints

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

14.0 Integrating Strategies and Partnership Working

14.1 The Council regards licensing as the most appropriate tool in ensuring that the licensing objectives are promoted and will avoid as far as is possible any duplication with other regulatory regimes and legislation.

14.2 Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:

- Local crime prevention strategies;
- Needs of the local tourist economy;
- Any cultural strategy for the area;
- Employment issues in the area;
- Any relevant planning matters so as to ensure the clear distinction
- between licensing and planning functions, and
- Local relevant partnerships and their objectives.

15.0 Equal Opportunities

- 15.1 The Equality Act 2010 places a legal obligation on the licensing authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 15.2 The licensing authority will look to discharge this duty by making arrangements where appropriate to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.

16.0 Administration, Exercise and Delegation of Functions

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

17.0 Relationship with Planning

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

18.0 Temporary Event Notices

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

19.0 Live Music Act 2012 and other Entertainment Licensing Deregulation

- 19.1 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
 - amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
 - unamplified 'live' music between 8am and 11pm in all venues
 - the provision of entertainment facilities
- 19.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 19.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 19.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- a performance of a play in the presence of any audience of no more than 500 people
 - an indoor sporting event in the presence of any audience of no more than 1000 people
 - a performances of dance in the presence of any audience of no more than 500 people

20.0 Sexual Entertainment Venues

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

21.0 Early Morning Alcohol Restriction Orders (EMROs)

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

22.0 Late Night Levy

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

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

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

Appendix A - Table of Delegated Functions

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

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

LICENSING COMMITTEE

25th November 2013

LICENSING COMMITTEE WORK PROGRAMME 2013/14

25th November 2013

- Licensing Act 2003 – Statement of Licensing Policy
- Worcester Road Taxi Rank – Consultation Update

17th March 2014

- Scrap Metal Dealers Act 2013 – update on licences issued, compliance visits etc.
- Street Collections – new policy
- Licensing Act 2003 – Statement of Licensing Policy Consultation Responses Considered
- Licensing Committee Work Programme 2014/2015

To Be Allocated To Suitable Available Dates

DPPO – Designated Public Places Order – further update report from the Senior Community Safety Officer, to brief Members on the new legislation in the Anti-Social Behaviour Crime and Policing Act once the Act has received the Royal Assent.

Licensing Annual Report

Fees and Charges 2014

Street Café Policy

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