

Extracts for Milton Statement of Licensing Policy

The Committee should be aware of the need to have regard to the Council's full Statement of Licensing Policy when carrying out its functions under the Act but the following is considered specifically relevant.

7.2.1 Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of carrying out of their functions on crime, disorder and anti-social behaviour; doing all they reasonably can to prevent these matters occurring.

8.1 Care will be taken to ensure that there is no overlap between the licensing regime and other statutory regulatory arrangements such as the Health and Safety at Work Act 1974; the Regulatory Reform (Fire Safety) Order 2005 and the planning regime, so that duplication is avoided and the necessary controls are exercised through the most appropriate process.

25.1 The Act sets out the arrangements to enable a review of a premises licence or club certificate where it is alleged that the licensing objectives are not being promoted. This arrangement will follow an application from a responsible authority or an interested party. The Section 182 guidance will be used to ensure that all matters for review are considered appropriately. The process shall not be subject to abuse by disaffected parties. Matters for consideration must be relevant, and not vexatious, frivolous or repetitious. However, matters involving the following may be considered as serious shortcomings by the licensing sub-committee at their hearings: -

Significant or repetitive breaches of licence conditions/licensing law

Failure to act on previous warnings / advice / uncooperative attitude towards authorised officers.

Premises found to be involved in immigration offences

25.2 Where the licensing authority determines on review that the licensing objective of the prevention of crime and disorder is being undermined through the premises being used to further crimes, the licensing authority will seriously consider revocation of the licence or certificate, even in the first instance.

26.3 Whilst contested licensing applications are quasi-judicial in nature, the licensing sub-committee will try to keep the proceedings as informal as possible.

However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedure will be designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal representation with them if they wish, this is not a requirement.

- 26.4 Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.
- 26.5 The licensing sub-committee will determine each case on its individual merits whilst taking into consideration the terms of this policy document. Where the licensing sub-committee determines that it is appropriate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.