

EXTRACTS OF MILTON KEYNES 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.

- 6.1 The key aims of this statement of licensing policy are for MKC as the licensing authority to:
- Integrate its aims and objectives with other initiatives that will: -
 - i. Reduce local crime, disorder and anti-social behaviour,
 - ii. Reduce the supply and use of illegal drugs in licensed premises,

Recognising that localities that have the highest densities of licensed premises are likely to have the greatest impact on the range of services that are available to all the other citizens of Milton Keynes. It may therefore be necessary for the licensing authority to manage, control, or restrict licensable activities and/or hours of opening through the licensing process based on reliable evidence supplied by for example partner agencies.

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

7.2.5 The licensing authority firmly believes that the licensing framework must be balanced by the high standards of house management by licensees and their staff. If this does not occur and there are no reasonable mitigating factors then the licensing authority can take firm enforcement action, in line with the MKC enforcement policy, to ensure that the licensing objectives are met.

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

14.4 The licensing authority will have particular regard to representations received concerning premises where there is evidence that any of the following matters may be relevant:

- The designated premises supervisor or other responsible person has knowingly permitted underage drinking, or the dealing and taking of illegal drugs.

- There is a history of crime and disorder.

16.2 Thames Valley Police has provided data to the licensing authority that the licensing authority may consider the following, as examples of the issues that may be referred to as key components in the relationship between the crime and disorder licensing objective and any relevant representations received in respect of an individual premises:

- The employee's knowledge of crime prevention measures appropriate to the premises.
- The competency of the premise's management team and the level of co-operation from the licensee and the security arrangements in place.
- The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures, amnesty boxes and door entry policies.
- Compliance history

16.3.1 The licensing authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises, but it is recognised that conditions may need to be attached to the premise's licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions may take into account the relevant guidance and advice from appropriate bodies.

16.3.2 The licensing authority would expect licensees to permit access for drugs analysis equipment and drugs dogs so that random drug tests can be carried out on the skin of persons wishing to have access to the licensed premises, in addition to the staff and contractors employed at the premises. Failure to co-operated without good reason would not be promoting the prevention of crime and disorder objective

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: -

- Use of licensed premises for the sale and distribution of Class A drugs and/or the laundering of the proceeds of drug crimes.

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.