

Licensing Authorities Statement of Licensing Policy 2018 - 2023

2.2 It is important to note that all objectives have equal importance in the implementation of this policy.

2.3 The Licensing Objectives are:

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

3.2 The following will also be relevant:-

- Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria.
- The council's legal officer will ensure that the rules of 'natural justice' will be applied at all times during hearings or reviews.
- The right of any individual or body to apply for a variety of permissions is not undermined.
- The statutory right of any responsible authority or other person to make appropriate representations to an application or to seek a review in respect of a granted authorisation where appropriate is accepted.
- The impact of the activities taking or proposed to take place at a licensed premises or businesses or individuals who are likely to be affected by it.
- There is no presumption of grant under the Licensing Act.

5.3.2 Any restriction on trading hours will be considered only where it is necessary to meet the licensing objectives.

5.3.3 The licensing authority is likely to impose stricter conditions regarding noise control for those premises that are situated close to residential areas if relevant representations are received. In these situations the licensing authority will expect the applicant to have scoped the potential for public nuisance including noise and/or vibration nuisance, and to have factored in suitable control measures within their operating schedule.

5.3.4 The licensing authority may set an earlier closing time where, after representations having been made, it considers this is appropriate having regard to the nature of the licensable activities and the impact on the licensing objectives.

5.3.11 The consumption of alcohol is not a licensable activity and therefore can take place within the 'opening hours' of the premises whereas the sale or supply of alcohol can take place only during

the 'licensed hours' stated on the premises licence, certificate, or temporary event notice. The consumption of previously purchased alcohol can take place outside of these licensed hours. However, the licensing authority would expect that if this mode of operation were to occur then there would be no adverse impact on the licensing objectives. If this mode of operation is anticipated then the licensing authority will expect to see a reference to the issue in the operating schedule.

5.3.12 The Authority expects opening hours stated on a licence to mean patrons will leave a licensed venue no later than the closing time stated for that day.

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.

7.2.2 Notwithstanding non-licensing powers available to deal with certain matters (such as Abatement notices and fixed penalty notices) the licensing authority will have particular regard to the likely impact on matters detailed in 7.2.1 when considering the location, operation and management of premises subject to applications, variations and notifications.

10.2 When considering contested applications the licensing sub-committee must have regard to the licensing objectives which could include reference to the following information:

- The occupancy figure for the proposed premises
- Whether the proposed premises will act as a replacement for others in the area that no longer have a licence
- The proposed methods of management outlined in the applicants operating schedule
- The proposed hours of operation
- The proposed licensable activities
- The impact on the emergency services
- The views of police, including crime and disorder statistics along with the seriousness and nature of previous incidents occurring at similar premises in the locality
- Compliance history of the applicant.

11.7 The licensing authority recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licences will not always be straightforward, but it will always have regard to the licensing objectives.

17.1.1 Licence conditions will not be imposed for any other purpose than meeting the licensing objectives. The licensing authority will not impose blanket standard conditions. Conditions that are applied will be focused on matters which are within the control of licence holders at or within the vicinity of premises and shall take into account guidance under Section 182 of the Licensing Act. Duplication of other statutory regimes shall be avoided.

17.1.2 The licensing authority will attach conditions to licences or certificates only to ensure that they will:-

- refer to matters as stated in the operating schedule
- refer to one or more of the licensing objectives, and
- deal with any relevant representations received from a responsible authority or other persons that are considered by officers or the licensing sub committee to be appropriate.

17.1.6 Conditions will accurately reflect the individual style, location and characteristics of the particular premises, and be clear, unambiguous, and proportionate.

17.5.1 The licensing authority wishes to protect the amenity of residents and businesses in the vicinity of licensed premises and for these purposes 'in the vicinity' is taken to mean the immediate area around licensed premises without any stated distance criteria. Matters of concern will be dealt with on an individual basis

17.5.4 The licensing authority will also consider representations made by relevant persons or responsible authorities on 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. These could include the steps taken or proposed to be taken by the applicant regarding the following issues:-

- Excessive noise and vibration escaping from the premises, including music, noise from mechanical ventilation equipment and human voices.
- Disturbance by customers, staff, delivery vehicles or contractors arriving at or leaving the premises. This will be of greater importance between 11p.m. and 7a.m.
- Queuing either by pedestrian or vehicular traffic on land under the applicant's control.
- Arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents
- Use of gardens and other open-air areas within the curtilage of the premises.
- Siting of external lighting.
- Increase in refuse storage or additional littering in the vicinity of the premises.
- Previous history of nuisance complaints.
- Potential for odour nuisance.
- Confidence in the management to deliver the control measures proposed.

17.5.6 The Authority believes opening hours form part of an authorisation under the Licensing Act and so closing time is interpreted to mean the time that patrons will be off the premises.