

**EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL**

**REVISED  
STATEMENT OF  
LICENSING POLICY**

## **PREFACE**

This is the third Statement of Licensing Policy produced by East Cambridgeshire District Council under the Licensing Act 2003, having been approved by the Council on 12 October 2010. It will be the basis for all licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 7 January 2011

The Statement of Licensing Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important the entertainment industry is within the district and well-run businesses will get the support of the Council. New licensing related developments that are well planned and can demonstrate initiatives that uphold the four licensing objectives of the Licensing Act 2003 are welcomed. However, the Council will not hesitate in dealing firmly where problems relating to crime and disorder and anti social behaviour or nuisance exist.

The Statement of Licensing Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

In reviewing this policy statement, the Licensing Authority has taken account of new revised Guidance issued by the Secretary of State for the Department for Culture, Media and Sport.

This revised Statement of Licensing Policy was offered for consultation between 15 June 2010 and 31 August 2010 to statutory consultees, responsible authorities, interested parties and the public at large. Notice of the consultation process was advertised on the Council's website and copies were placed at the Council's Reception at The Grange, Nutholt Lane, Ely, CB6 4EE and in each of the libraries within the East Cambridgeshire district.

Formal responses to the process were requested to be made in writing to:

Licensing Section  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
CB6 4EE

or by email to [licensing@eastcambbs.gov.uk](mailto:licensing@eastcambbs.gov.uk)

East Cambridgeshire District Council is one of five district authorities and one unitary authority that make up the County of Cambridgeshire. It has a population of approximately 76,500 and covers an area of almost 65,500 hectares.

The district is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East.

The district has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. Close to Cambridge, the district enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

East Cambridgeshire district offers a wide and developing variety of culture, history, businesses, recreation and dwellings with transport infrastructure provided by the mainline railway to London, Peterborough, Cambridge and Stansted Airport, and local bus services.



## CONTENTS

Paragraph	Item	Page
	Preface	2
1.0 – 1.4	Foreward	5
1.5 – 1.6	Licensing Objectives	5 – 6
1.7 – 1.10	Statement of Licensing Policy	6
1.11	Disclaimer	6
1.12 – 1.13	Consultation	6 – 7
1.14 – 1.17	Links to Other Strategies	7
1.18 – 1.20	Regulated Entertainment	7
1.21 – 1.29	Applications	8
1.30 – 1.34	Planning and Building Control	9
1.35 – 1.40	New/Varied Premises Licences/Club Premises Certificates	9 – 10
1.41 – 1.48	Interested Parties	10 – 12
1.49 – 1.56	Representations	12 – 13
1.57 – 1.65	Conditions	13 – 14
1.66	Delegation of Functions	15
1.67	Need for Licensed Premises	15
1.68 – 1.72	Cumulative Impact	15
1.73 – 1.74	Advice and Guidance	16
1.75 – 1.80	Reviews of Licences	16
1.81 – 1.84	Enforcement	17
2.0 – 2.9	Licensing Objectives	17 – 19
3.0 – 3.8	Prevention of Crime and Disorder	19 – 21
4.0 – 4.3	Public Safety	21 – 22
5.0 – 5.7	Prevention of Public Nuisance	22 – 23
6.0 – 6.10	Protection of Children from Harm	24 – 25

## 1.0 INTRODUCTION

### Foreword

- 1.1 East Cambridgeshire District Council is the “Licensing Authority” under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, personal licences and authorising temporary event notices in the East Cambridgeshire district in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 The Licensing Authority is required to discharge its licensing function through a committee of between 10 and 15 members – the Licensing Committee. The Council has appointed a committee of 13 members, which operates on the basis of convening panels of 3 members drawn from the 13.
- 1.3 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant’s operating schedule aim to achieve the four licensing objectives. Bold type in this policy refers to matters that the Licensing Authority expects to see addressed in the applicant’s operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.4 However, it should be recognised that this policy covers a wide variety of premises and activities undertaken therein, including theatres, cinemas, restaurants, pubs, nightclubs, private members’ clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 23:00 hours. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can it detail all the control measures that may be appropriate.

### Licensing Objectives

- 1.5 The 2003 Act requires the Licensing Authority to undertake its various licensing functions in a manner that promotes the four licensing objectives. These are
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.

These objectives are the only matters to be taken into account in determining the application and any conditions to be attached must be necessary to achieve the licensing objectives.

- 1.6 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**

### **Statement of Licensing Policy**

- 1.7 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.8 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act and has been drafted in partnership with the Cambridgeshire Joint Licensing Officers' Forum.
- 1.9 The 2003 Act further requires the Licensing Authority to monitor, review, and, where appropriate, amend its Statement of Licensing Policy. The Licensing Authority will consult with those groups mentioned in paragraph 1.13 below prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future three-year period.
- 1.10 This Statement of Licensing Policy was reviewed in May 2010, circulated for consultation between June and August 2010 prior to being ratified by Council on 12 October 2010. It has an effect until 6 February 2014.

### **Disclaimer**

- 1.11 Advice and guidance contained in the Statement of Licensing Policy is intended only to assist readers and should not be interpreted as legal advice or as constituent of East Cambridgeshire District Council's Statement of Licensing Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Licensing Act 2003 or of the Guidance or Regulations issued under the Act.

### **Consultation**

- 1.12 There are a number of groups that have a stake in the leisure industry, including providers, customers, residents and enforcers, all of which have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.13 In developing this policy statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Responsible Authorities), the views of existing licence holders, businesses, voluntary groups and residents were

also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

### **Links to other Strategies**

- 1.14 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in East Cambridgeshire District Council's local strategies on crime prevention, planning, transport, culture, tourism, community, eGovernment and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact upon this Statement of Licensing Policy.
- 1.15 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in its considerations. The Licensing Committee will also be kept informed of the local employment situation and the need for new investment and employment, where appropriate.
- 1.16 Where appropriate, the Licensing Authority will co-ordinate and liaise with the Planning Authority and will provide information regarding licensed premises in the area, including evidenced alcohol related crime and disorder information, to enable the Planning Committee to have regard to such matters when making decisions. .
- 1.17 The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The impact of this policy upon race relations will be monitored through East Cambridgeshire District Council's Corporate Equality and Action Plan.

### **Regulated Entertainment**

- 1.18 Having regard to East Cambridgeshire District Council's equality and diversity policies and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities.
- 1.19 The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events.
- 1.20 The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from East Cambridgeshire District Council's Culture and Tourism Officer.

## Applications

- 1.21 When considering applications, the Licensing Authority will have regard to:
- the Licensing Act 2003 and the licensing objectives
  - Government Guidance issued under Section 182 of the Licensing Act 2003
  - any supporting regulations
  - this Statement of Licensing Policy.
- 1.22 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.23 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of nighttime economies that are important for investment, employment and tourism.
- 1.24 When determining applications by the Licensing Committee, the Licensing Authority will seek to balance those factors against its duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 1.25 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.
- 1.26 When one part of East Cambridgeshire District Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 1.27 In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 1.28 It should be noted that incomplete applications will not be accepted but will be returned with an explanation of why it is incomplete.
- 1.29 The Licensing Authority welcomes applications made via East Cambridgeshire District Council's electronic application facility.

## Planning and Building Control

- 1.30 The Licensing Authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.
- 1.31 **The Licensing Authority would normally expect that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** However, the Licensing Authority acknowledges that applications for premises licences or club premises certificates may be made prior to any relevant planning permission having been sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained where necessary.
- 1.32 The Licensing Authority recognises that licensing applications should not be a re-run of a planning application nor should they cut across decisions taken by the planning committee or following appeals against decisions taken by the Council's planning committee. The Licensing Authority's licensing committee will not be bound by decisions made by the Council's planning committee and vice versa.
- 1.33 Where the granting of any variation to a premises licence or club premises certificate involves a material alteration to a premises, the Licensing Authority would expect the applicant to apply for relevant planning permission or building control consent where appropriate.
- 1.34 **The Licensing Authority recognises that when, as a condition of planning permission a terminal hour has been set for the use of the premises for commercial purposes, and where these hours are different from 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.

## New and Varied Premises Licences/Club Premises Certificates

- 1.35 Where no premises licence or club premises certificate exists in respect of a premises, an application for a new premises licence or club premises certificate must be made to enable the carrying out of licensable activities.
- 1.36 An application to vary an existing premises licence or club premises certificate should be made where the proposed variation is in respect of changes to the types of licensable activities that are to be undertaken and/or the hours that those activities are to take place, or where structural changes are to be made to the premises.
- 1.37 Where the proposed variation to a premises licence or club premises certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in addition to the existing premises licence or club premises certificate and the plan to which it relates.

1.38 Where a premises licence holder or club premises wishes to amend a premises licence or club premises certificate, the Licensing Authority will allow for an application to vary to be made rather than requiring an application for a new premises licence or certificate. The process the applicant will undertake will depend on the nature of the variation and its potential impact on the licensing objectives and simplified processes will include:

- change of name and address of a person named in the licence;
- variation of the licence to specify a new individual as designated premises supervisor;
- request to be removed as designated premises supervisor;
- request of a community premises to disapply the mandatory condition concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence;
- an application for minor variation of a premises licence or club premises certificate.

1.39 In addition, when completing section 3 of the application form, it is important that applicants ensure they provide sufficient time for the alterations to be carried out when stating the date upon which the variation is to take effect. This is to ensure that when the premises licence or club premises certificate comes into force, the plan to which it relates reflects accurately the layout of the building.

1.40 If the actual date when the alterations have been completed differs from that requested, applicants must inform the Licensing Authority so that the premises licence or club premises certificate can be issued correctly. Failure to do so may result in an offence being committed under Section 136 of the Licensing Act 2003 of carrying on a licensable activity otherwise than under and in accordance with an authorisation.

### **Interested Parties**

1.41 Interested Parties can make representations about licensing applications or apply for a review of an existing licence or club premises certificate.

1.42 A person or bodies are Interested Parties in relation to an application for or in respect of a premises licence or club premises certificate if, in the opinion of the Licensing Authority, the person/body:

- a) lives in the vicinity of the premises, i.e. lives sufficiently close to the premises that they are likely to be affected by the authorised activities;

- b) represents persons living in that vicinity, i.e. a residents' association or a parish or town council;
- c) is involved in a business in the vicinity of the premises, i.e. has business interests that might be affected by the authorised activities;
- d) represents persons involved in such businesses, i.e. a trade association;
- e) is a member of the relevant licensing authority, i.e. elected councillor of the licensing authority for the area in which the premises is situated.

1.43 The principles that the Licensing Authority will apply to determine whether a person is an Interested Party are that:

- each case will be decided upon its merits;
- the Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Guidance to the Act;
- the Licensing Authority will also consider the term 'involved in any business' in its widest possible context, which might include partnerships, charities, faith groups and medical practices;
- the Licensing Authority recognises that any individual or group may specifically request a representative to act on their behalf, i.e. legal representatives, ward, district or town/parish councillors and MPs.

1.44 The Licensing Authority acknowledges that local councillors can make representations as an Interested Party in their own right if they live, or are involved in a business in the vicinity of the premises in question or if they have concerns about any premises regardless of whether they live or are involved in a business in the vicinity of the premises.

1.45 The Licensing Authority considers that Trade Associations, Trade Unions and residents and Tenants' Associations qualify as Interested Parties where they can demonstrate that they represent persons in paragraph 1.42 (a) or (b).

1.46 The Licensing Authority will not generally view these bodies as Interested Parties unless they have a member who can be classed as an Interested Party.

1.47 The Licensing Authority will generally require written evidence that a person is authorised to represent an Interested Party in any case other than that mentioned in paragraph 1.44 above.

1.48 In determining if a person lives or has business interests sufficiently close to the premises that are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises, e.g. number of customers, routes likely to be taken by those visiting the establishment;
- the nature of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant which may be relevant to the distance from the premises;
- the catchment area of the premises, i.e. how far people travel to visit;
- whether the person making the representation has business interests that might be affected in that catchment area.

## **Representations**

- 1.49 Any Responsible Authority or Interested Party may make relevant representations on applications for the grant of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.50 A representation will only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious.
- 1.51 Only the Chief Officer of Police may make representations in respect of the grant of a personal licence or the issue of a temporary event notice, relating only to the crime prevention objective of the Act.
- 1.52 As the Licensing Authority must be satisfied that the representation is made by an Interested Party, which can generally only be determined by reference to the name and address of the person making it, this authority will not consider any representation that fails to provide those details.
- 1.53 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant or his/her representative. The Licensing Authority accepts that in exceptional circumstances an Interested Party may not wish for his/her personal details to be disclosed to the applicant.
- 1.54 Where the Licensing Authority considers that a relevant representation has been made and that exceptional circumstances exist, details of the name and address may be withheld from the copy of the representation that is provided to the applicant or his/her representative.

- 1.55 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates' Court against the decision of the committee.
- 1.56 Where the Responsible Authorities or Interested Parties do not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

## **Conditions**

- 1.57 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.58 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of consideration of the representations.
- 1.59 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and thereby achieves the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.
- 1.60 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 1.61 Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives.
- 1.62 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity

in the area concerned and will cover matters that are within the control of individual licensees.

1.63 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These could include

- planning controls
- positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport operators, etc.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder, anti-social behaviour and ASBOs, including the issuing of fixed penalty notices for disorder, making dispersal orders, etc.
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from children and adults in designated areas
- police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

1.64 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.

1.65 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be necessary for promotion of the licensing objectives.

## **Delegation of Functions**

- 1.66 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Council has approved a scheme of delegation of functions under the Licensing Act 2003.

## **Need for Licensed Premises**

- 1.67 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

## **Cumulative Impact of a Concentration of Licensed Premises**

- 1.68 “Cumulative impact” means the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.
- 1.69 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 1.70 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting, or are likely to result, in unacceptable levels of crime and disorder or public nuisance.
- 1.71 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.
- 1.72 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be upon the objectors to provide evidence that additional licences or the variation of existing licences would produce the cumulative impact claimed.

## **Advice and Guidance**

- 1.73 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities will offer as much advice and guidance to applicants as resources permit.
- 1.74 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that he/she discusses his/her proposal with the Licensing Section and those from who they think representations are likely prior to submitting an application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## **Reviews of Licences**

- 1.75 Where possible and appropriate, the Licensing Authority and the Responsible Authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.76 Any Responsible Authority or Interested Party may apply for a review of a premises licence or a club premises certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.
- 1.77 An application for review will only be 'relevant' if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitious. An evidentiary basis will be required to be presented to the Licensing Authority.
- 1.78 Where an Interested Party applies for a review, the Licensing Authority must be satisfied that the person making it qualifies as an Interested Party and that it is relevant. There is no appeal to the decision of the Licensing Authority other than by the way of Judicial Review.
- 1.79 As the Licensing Authority can generally only determine whether a person is an Interested Party by reference to the name and address of the person making the application, this Authority will not consider any application that fails to provide those details.
- 1.80 No more than one review of a premises licence or a club premises certificate from Interested Parties will be normally permitted within any 12 months period on similar grounds except in exceptional and compelling circumstances.

## Enforcement

- 1.81 East Cambridgeshire District Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. The authority has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, East Cambridgeshire District Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.82 The Enforcement Concordat is based upon the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when
  - have opportunities to resolve differences before enforcement action is taken, unless immediate action is needed
  - receive an explanation of their rights of appeal.
- 1.83 The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or break the law consistently.
- 1.84 The Licensing Authority works in partnership with all of the Responsible Authorities under the Licensing Act 2003 on enforcement issues. This joint working provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are operated well.

## 2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.
- 2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be**

**expected to address all aspects relevant to the individual style and characteristics of their premises and events.**

- 2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 2.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could 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 of the customers
- the attendance by customers with disabilities or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation
- provision of seating
- retention of room divisions to minimise the effect of any disorderly activity
- use of separate areas in single-room pubs to minimise the effect of any disorderly activity.

2.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as doorstaff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

### 3.0 PREVENTION OF CRIME AND DISORDER

3.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.

3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

3.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

3.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include

- under-age drinking
- drunkenness on premises
- public drunkenness
- drugs
- violent behaviour
- anti-social behaviour.

3.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- employment of Security Industry Authority licensed door supervisors
- provision of toughened or plastic drinking vessels
- provision of secure, deposit boxes for confiscated items ('sin bins')
- provision of security measures, such as lighting outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

3.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

- 3.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.
- 3.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten working days minimum statutory notice, to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder. The Licensing Authority acknowledges that 'ten working days notice' means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

## 4.0 PUBLIC SAFETY

- 4.1 East Cambridgeshire District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 4.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered. These could include
- the occupancy capacity of the premises
  - the age, design and layout of the premises, including means of escape in the event of fire
  - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
  - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
  - customer profile (e.g. age, disability)
  - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

4.3 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## 5.0 PREVENTION OF PUBLIC NUISANCE

5.1 Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. East Cambridgeshire District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

**5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.**

5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance may be suitable for 24-hour opening.

- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
  - the hours of opening, particularly between 23.00 and 07.00
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
  - the design and layout of premises and, in particular, the presence of noise-limiting features
  - the occupancy capacity of the premises
  - the availability of public transport
  - 'wind down period' between the end of the licensable activities and closure of the premises
  - last admission time.
- 5.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
  - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
  - control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
  - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
  - installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
  - management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
  - liaison with public transport providers
  - siting of external lighting, including security lighting
  - management arrangements for collection and disposal of litter
  - effective ventilation systems to prevent nuisance from odour.

## 6.0 PROTECTION OF CHILDREN FROM HARM

- 6.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.
- 6.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos. This includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances, children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, unpredictability of their age and the lack of understanding of danger.
- 6.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 6.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 6.6 Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include
- where entertainment or services of an adult or sexual nature are commonly provided

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol
- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

6.8 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or East Cambridgeshire District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

6.9 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.

6.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.