



SANDWELL METROPOLITAN BOROUGH COUNCIL
LICENSING ACT 2003
STATEMENT OF LICENSING POLICY

1. Introduction

Sandwell is one of the larger metropolitan boroughs located at the centre of the West Midlands conurbation and is predominantly urban in character. The Borough is composed principally of six towns rather than a single, dominant centre and these form the basis of the Council's community focus. The towns are Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich.

At the last count the population of the Borough was just under 300,000. As far as the economy is concerned, Sandwell is still heavily reliant on manufacturing although service industries now form almost 60% of total employment within the Borough.

Sandwell is also a densely populated area and has the highest number of residents per unit of residential land in the West Midlands. In contrast, the Borough also has the highest proportion of parks and open spaces amongst the seven metropolitan districts in the area.

2. Licensing Act 2003

This Licensing Policy Statement is intended to meet the Licensing Authority's obligations under Section 5 of the Licensing Act 2003 (referred to as "the Act").

The Licensing Authority (referred to as "the Authority") will carry out the licensing function with a view to promoting the four licensing objectives contained in the Act. These are –

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

In carrying out its functions the Authority will not only have regard to this policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act (referred to as "the guidance").

The guidance makes it clear, and the Authority recognises that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises.

However, licensees should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter to the extent that these matters are within their control.

Licensing will, however, be one of the key factors in managing the evening and night time economy particularly in town centres and any other places as identified 'high risk' areas in partnership with the police and other responsible authorities.

The Local Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder in its area and will continue to work in partnership with the police, responsible authorities as defined by the Act, local businesses, local people and others towards the promotion of all the licensing objectives.

3. Scope of this Policy

Section 5 of the Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five year period the Authority will keep the policy under review and may make any amendments to it as it considers necessary.

The policy relates to all 'licensable activities' as defined by the Act, namely:-

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' – to the public, to club members or with a view to profit including the following:
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event

- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- The supply of hot food and/or drink from any premises between 11pm and 5am.

Each application for the grant, variation or review of a licence will be considered and determined on its individual merits. The Authority when making a decision will consider this policy along with the guidance and if the Authority departs from either of those, reasons will be given as to why.

4. Duplication

The Authority recognises that the licensing process should not duplicate powers, provisions or restrictions provided for in other legislation, and will in so far as possible avoid duplication of this kind. Legislation that may be relevant is set out below:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety (First-Aid) Regulations 1981
- The Equality Act 2010.

5. Partnership Working and Integrating Strategies

The Authority acknowledges the importance of securing proper integration with local crime prevention strategies as well as public health, planning, transport, tourism, equality schemes and cultural strategies.

Many strategies are not directly related to the promotion of the licensing objectives, but, they may impact upon them and therefore such strategies are important to the Authority.

As part of an agreed enforcement protocol, where the police have identified a particular need to disperse people from a town centre or other area swiftly and safely so as to avoid situations which could lead to disorder and disturbance, the Authority will inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

There are a number of wider issues which may need to be given due consideration when carrying out the licensing function.

6. Licensing Process

The Authority's licensing functions will be carried out by the Licensing Committee, supported by a number of sub-committees, known by this Licensing Authority as 'Panels' and by one or more officers acting under the delegated authority of the Committee.

Where there are no perceived areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part be carried out by officers.

As part of the application process applicants will be expected to address each of the licensing objectives in their operational schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

Applicants are also encouraged to make themselves aware of and be able to demonstrate when setting out the steps they propose to take to promote the licensing objectives, that they understand the layout of the local area and physical environment and any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies which may help to mitigate potential risks.

Where there are relevant representations from a responsible authority or other person in relation to an application, the application will be dealt with by the Licensing Committee or one of its Panels, as will any application for the review of a licence.

According to the guidance, 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.

The outcome of any hearing before the Licensing Committee or one of its Panels will be relayed to all parties verbally at the hearing and in writing as soon as practicable.

The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended.

The Authority has to give a minimum 2 days notice of the licence/certificate being suspended if payment is not made. The Authority, in this case, considers that 7 days notice is more appropriate.

Guidelines to be followed by the Licensing Committee when dealing with a review application following under age sales of alcohol

The Act provides the Council with a wide range of powers to be used when determining a review application. There are a number of steps which the Committee can take in order to promote the licensing objectives, as follows:

- modify the conditions of licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period of up to 3 months
- revoke the licence

When deciding which steps are appropriate, each case will be judged on its own merits but, the Committee will consider taking tougher steps in cases where, for example:

- an under age sale of alcohol has been made and there are related issues involving the use of counterfeit or illicit alcohol from the same premises, or
- the premises has already been before the Committee previously for an under age sale and conditions were imposed at that time.

Where a premises licence has been revoked by the Committee or one of its panels, the Authority will not normally grant an application for a new premises licence within 12 months of the date of the revocation, where there has been an objection to the application, when they are not satisfied that the management structure of the premises is not related to the management involved in the revoked licence and when one or more of the licensing objectives is undermined by such a circumstance. However, each application is to be considered on its own merits and this part of the policy does not fetter the discretion of the Committee and Panels. The Authority must carry out its functions with a view to promoting the licensing objectives.

Any action taken by the Committee or Panel should be an appropriate and proportionate response.

Nothing within this policy removes the discretion or judgement from the Committee or Panel when considering a review of a licence and each application and representation will be considered on its own merits. If the Committee or Panel depart from this policy or the guidance, reasons will be given.

7. Responsible Authorities and Other Persons

Any responsible authority and/or other person may make representations about an application, variation, minor variation or review of a premises licence or club premises certificate or grant of a provisional statement. The main responsible authorities that are relevant to Sandwell Metropolitan Borough Council are set out below.

The relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated

The Authority will determine when it considers it appropriate to act in its capacity as a responsible authority in accordance with its duties under section 4 of the Act, namely with a view to promoting the licensing objectives and with regard to this licensing policy and the guidance.

The Authority will not normally make representations or request a review of a licence when other responsible authorities should intervene as the basis for the intervention falls within their remit. Licensing Authorities are not normally expected to act as a responsible authority on behalf of other parties such as local residents, local councillors or community groups.

West Midlands Police

Applicants will be expected to include in their operating schedules any steps being taken to:-

- prevent disorder on the premises
- prevent drunkenness in premises selling alcohol
- prevent under age sales of alcohol
- ensure customers enter and leave in an orderly manner
- exclude illegal drugs
- exclude offensive weapons

The police will consider making representations suggesting that conditions be imposed based on past history of individual premises and will also take into account decisions of the Magistrates' Courts.

Depending on the location and style of a particular venue and the activities carried on there the Police may look to licensees to use polycarbonate drinking containers in cases where it may be appropriate and proportionate to do so in order to promote public safety or prevent crime and disorder.

Any incidents of crime or disorder which occur at, or can be linked to particular premises may lead to an application for review of the licence. Equally, any incidents which give cause for concern that the premises are not being properly managed; failure to comply with the operating schedule or conditions of licence; or where there are repeated complaints from the public, may also lead to a licence or club premises certificate being reviewed.

The police should be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Any current arrangements for the exchange of information between the police and other enforcement agencies will continue. In particular, the police will work closely with Trading Standards officers with regard to under age sales of alcohol.

The police will also work closely with the Sandwell Drug and Alcohol Partnership, (SDAP) the Safeguarding Children's Board and other key partners to ensure the protection of children from harm.

West Midlands Fire and Rescue Authority

From the 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 ("The Fire Safety Order") replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. The Authority notes that under Article 43 of the Fire Safety Order any conditions imposed by the Authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence. This means that the Authority will not seek to impose fire safety conditions where the Order applies. The exception to this will be in cases where the Authority and the enforcing authority for the Fire Safety Order are one and the same body.

The Fire Safety Order covers "general fire precautions" and other fire safety duties which are needed to protect "relevant persons" in case of fire in and around "most premises". The Order requires fire precautions

to be in place “where necessary” and to the extent that it is reasonable and practicable in the circumstances of the case. Responsibility for complying with the Order rests with the “responsible person”, who may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all relevant persons. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including where necessary, capacity limits.

The Local Fire and Rescue Authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment.

Further information and guidance about the order and fire safety legislation is available from the Communities Local Government website www.communities.gov.uk/fire.

In accordance with the Guidance “safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. If a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. However, if no safe capacity has been imposed through other legislation, the responsible authority may consider it appropriate for a new capacity to be attached to the premises which

would apply at any material time when the licensable activities are taking place and make representations to that effect. A capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the Authority and the enforcing authority for fire safety purposes are the same) since, and Article 43 of the Fire Safety Order, it would have no effect and so would be not enforceable.

Director of Public Health

Health Bodies have been responsible authorities under the Act since April 2012 and health functions are now exercised by local authorities via the Director of Public Health. Although 'health' is not a licensing objective under the Act, health bodies hold certain information which other responsible authorities do not, but which would assist the Council in carrying out its licensing functions, especially in relation to the public safety or crime and disorder objectives.

Trading Standards

The sale of age restricted products, in this case alcohol, remains a priority for Trading Standards. It is imperative as a local service that they recognise the priorities of the Local Authority and partners, such as Police, Licensing, Public Health and the Community Alcohol Partnership, and that they assist them in achieving their aims and objectives.

Their goal is to ensure that;

1. Owners of licensed premises, Premises Licence Holders and Designated Premises Supervisors are aware of their obligations in law and those associated with this policy.
2. That non-compliant licensed premises are helped to achieve compliance.

3. That there is restricted access to cheap alcohol by removing from sale counterfeit, illicit and non-duty paid alcohol.

In 2012 the Better Regulation Delivery Office published their Code of Practise for the enforcement of legislation relating to age restricted products, including test purchasing. Whilst not legally binding the document is persuasive and places some new requirements on Trading Standards. It sets out a way of working that is rooted in the statutory principles of good regulation: that regulation should be proportionate, consistent, accountable, transparent and targeted. It applies the requirements of the statutory Regulators' Compliance Code, which promotes *'a positive and proactive approach towards ensuring compliance by: helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and, responding proportionately to regulatory breaches'*.

As a result Trading Standards have reviewed the way in which they enforce age restricted products legislation, in particular how they advise businesses and carry out test purchases. In 2013 Trading Standards will;

1. Introduce a new advice pack for businesses.
2. Introduce a risk rating scheme for licensed premises, so that those premises of highest risk can be focussed on.
3. Maximise the use of intelligence to target non-compliant premises, areas where anti-social behaviour is linked to the sale of alcohol and areas of high alcohol misuse.

4. Work with businesses and partner agencies in areas where anti-social behaviour is linked to the sale of alcohol by proxy sales, to raise awareness, increase compliance and reduce associated Anti-Social Behaviour.
5. Work with business on a voluntary basis when a first sale of alcohol takes place, to ensure future compliance by encouraging premises licence holders to seek the application of appropriate conditions agreed with Trading Standards by means of a minor variation.

These changes should be viewed positively, additional help and assistance will in the future be provided to businesses, but when compliance cannot be achieved voluntarily they will be held to account for their actions in accordance with policy guidelines and the Enforcement Policy.

In all cases Licence holders will receive regular advisory visits from Trading Standards giving information and advice regarding the steps to be taken in order to avoid selling alcohol to children. Prior to any test purchases being undertaken licence holders will receive notification that they will be test purchased in the near future.

In relation to Licensing Reviews, Trading Standards will ensure that the conditions requested on review are appropriate and necessary.

The sale of counterfeit and non-duty paid alcohol and tobacco products are having a very serious impact on the local economy. Legitimate retailers are struggling to compete with the small minority of dishonest traders who operate within the shadow economy. These dishonest

traders are making large profits by selling cheap counterfeit products, or evading duty on genuine products and selling these at the full retail price to unsuspecting consumers. Consumption of illicitly or informally produced alcohol could have additional negative health consequences due to a higher ethanol content and potential contamination with toxic substances, such as methanol.

Licence holders found to be selling illicit alcohol we be liable to prosecution and could have their licence to sell alcohol reviewed by the Licensing Committee or one of its panels.

Health and Safety

The main objective is to ensure the health, safety and welfare of employers, employees and members of the public working at or attending licensed premises.

Applicants applying for a premises licence or club premises certificate should therefore be able to demonstrate a safe environment. Operating schedules should also set out what steps are being taken to ensure that electrical and gas installations are in good order, as well as being checked and maintained on a regular basis.

Although existing health and safety legislation will primarily be used it may be appropriate to apply for the review of a licence in the following circumstances:-

- serious or regular contraventions of health and safety legislation
- failure to comply with Improvement or Prohibition notices
- service of a prohibition notice where a significant risk to public safety exists
- prosecution for failure to comply with health and safety legislation

The Council and the Health and Safety Executive are jointly responsible for enforcing health and safety. As a general rule, the Council is responsible for the majority of premises but the Health and Safety Executive are responsible in the case of Council-owned premises.

Environmental Health

Operating schedules must contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem. Applicants should also provide details of any proposed noise control measures intended to be put in place, particularly for premises in largely residential areas where regulated entertainment is being applied for outside the hours of 8am to 11pm.

If licence conditions are imposed they will be specific to the premises in question and will relate to the type of licensable activity proposed.

As far as licensing hours are concerned each application will be considered on its own individual merits but it should be recognised that restricting the hours of operation in some cases can play an important role in preventing public nuisance, especially in residential areas where

there is a history of noise complaints relating to a particular premises from those living within the vicinity.

8. Licensing Hours

The Authority wishes to emphasise that consideration will always be given to the individual merits of any application. At the same time, it is clear that in some circumstances more flexible licensing hours with regard to the sale of alcohol may be an important factor in avoiding a concentration of customers leaving premises simultaneously and generally lead to a slower dispersal of people from licensed premises. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

The Authority agrees that providing consumers with greater choice and flexibility is an important consideration when it comes to developing thriving night time local economies which are equally important for local investment and employment. This should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents.

Applicants should note, however, when preparing operating schedules that stricter measures for controlling noise may be sought, either through operating schedules or by imposing conditions in the case of premises situated in largely residential areas, especially where there has already been a history of problems associated with a particular premises.

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they

intend to open for shopping purposes. However, in the case of individual premises which are known to be a focus of disorder and disturbance then, subject to representations being received, some limitation on licensing hours may be appropriate.

9. TENS

There are two types of temporary event notice (TEN) which can be given to the Council; standard and late.

Anyone wishing to give a standard TEN to the Authority must do so at least 10 clear working days prior to the event in question.

If it is not possible to give 10 working days notice then a late TEN may be given as long as 5 working days notice is given.

If an objection to a standard TEN is made by the Police or Environmental Health to impose existing conditions and all parties agree that a hearing is not necessary, the Authority will not normally hold a hearing. If, however, the Police or Environmental Health object to a late TEN then it will not be possible for the event to go ahead.

10. Adult Entertainment

An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc then a separate Sexual Entertainment Licence will also be required. Please see our policy in relation to this (insert link).

11. Cumulative Impact

The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

Where there are a significant number of licensed premises concentrated in one area, the cumulative impact of those premises on the promotion of the licensing objectives is something the Authority may take into account.

The Authority does not currently have a cumulative impact policy and such a policy would only be considered after assessing the available evidence from relevant responsible authorities and after consultation with relevant individuals and organisations. This will be kept under review.

12. EMRO and Late Night Levy

There are no current proposals to implement a late night levy or introduce an early morning restriction order, but these will be kept under review in consultation with the Police and other responsible authorities.

13. Children

The Authority recognises the great variety of premises for which licences and certificates may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls, church halls and schools. However, in the case of premises which are used exclusively or primarily for the supply of alcohol to be consumed on those premises it is an offence to allow anyone under the age of 16, unaccompanied by an adult, to be present on such premises.

Where the consumption of alcohol takes place but is not the exclusive or primary activity at a particular venue, such as a hotel or cinema for example, it is an offence for, those under 16 to be unaccompanied between 12 midnight and 5am.

Other than these two restrictions there is no presumption in favour of giving access to children under 18 generally, or indeed, preventing their access. Each application and the circumstances prevailing at each individual premises must be considered on its own merits and admission will always be at the discretion of those managing the premises.

The Authority, in its own right, will not seek to limit the access of children to any premises unless it receives representations to that effect based on the prevention of physical, moral or psychological harm to children. Applicants seeking premises licences and club premises certificates should include in their operating schedule any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

Examples of areas which may give rise to concern in respect of children include premises –

- where nudity or entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place
- with a known association with drug taking or dealing
- where there have been convictions for serving alcohol to those under 18
- with a reputation for underage drinking

In the case of premises which are used for film exhibitions applicants should include in their operating schedule any specific arrangements for restricting access to children to ensure they meet the required age limit in line with any certification granted by the British Board of Film Classification.

Where a large number of children are likely to be present on any licensed premises, for example, at a children's show or pantomime, then applicants will need to demonstrate that measures are in place to ensure an appropriate number of adults are present in order to satisfy the licensing objectives.

In cases where it is considered necessary, options available for limiting access by children could include –

- a limit on the hours when children may be present
- a limitation or exclusion on the presence of children when certain activities are taking place
- the requirement to be accompanied by an adult

- access being limited to parts of the premises only
- an age limitation (for under 18s)

For premises where the sale or supply of alcohol takes place as a licensable activity the Authority recommends that applicants adopt The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years of age or over.

The Authority also recognises the Guide to Responsible Alcohol Retailing jointly produced by The Association of Convenience Stores, The British Retail Consortium and The Wine and Spirits Trade Association which covers key areas of under age sales, proof of age cards, staff training and alcohol promotions.

The Local Safeguarding Children Board is the body recognised as being competent to advise on matters relating to the protection of children from harm, they are a responsible authority and are therefore entitled to make representations.

14. Live Music and Regulated Entertainment

The Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing as well as a range of traditional theatre performances for the wider cultural benefit of communities generally.

In determining what conditions should be attached as appropriate for the promotion of the licensing objectives care will be taken to avoid

measures which might deter live music dancing and theatre by imposing indirect costs of a disproportionate nature.

As a result of recent changes made to the Act no licence is required for the following activities, where they take place only between the hours of 8am and 11pm:

- a performance of a play with no more than 500 people present
- an indoor sporting event where no more than 1000 people are present
- most performances of dance (except sexual entertainment) where no more than 500 people are present
- a performance of unamplified live music where no more than 200 people are present
- a performance of live, amplified music in a workplace where no more than 200 people are present
- a performance of live music on premises authorised to sell or supply alcohol for consumption on the premises, where no more than 200 people are present.

The above changes specifically affect conditions relating to live music in premises authorised to sell or supply alcohol for consumption on the premises. This would include a premises licence or club premises certificate and any existing conditions which relate to live music will remain in place but are suspended between the hours of 8am and 11pm.

It is still possible however for a premises licence or club premises certificate to be reviewed if there are appropriate grounds to do so. In

determining a review application the Authority is allowed, if it is considered appropriate, to lift the suspension and give renewed effect to an existing condition relating to live music.

15. Licensing and Planning

The Authority recognises that planning permission, building control approval and licensing regimes should be properly separated to avoid duplication and inefficiency.

Licensing applications are not to be seen as a re-run of the planning application process and the Licensing committee will not be bound by decisions of the planning committee and vice versa.

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.

16. Conditions

The Authority will only be able to attach conditions (other than mandatory conditions) to a premises licence or club premises certificate if they are part of an applicant's operating schedule (including any conditions which may be subsequently volunteered by an applicant as a result of mediation following a representation), or by a decision of a Licensing Panel at a formal Hearing.

Any conditions which are attached to licences, certificates and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned and will reflect, as far as possible, local crime prevention strategies.

The Authority will not attempt to impose any 'blanket' conditions which apply to all premises but the applicant's operating schedule, which forms part of the application process should include sufficient information to enable a responsible authority or interested party to assess whether the steps being taken to promote the licensing objectives are satisfactory or not.

When submitting operating schedules applicants are required by the Act to outline the measures which are being taken in order to meet the licensing objectives. These measures are likely to form the basis of conditions which will be attached to the grant of a premises licence or club premises certificate. However, only those conditions which are considered appropriate for the promotion of the licensing objectives will be imposed and any breaches of conditions will, in most cases, be dealt with primarily through the review process.

The responsible authorities identified in this statement may also propose conditions of their own by making representations to a grant or variation application. However, these cannot be over burdensome or disproportionate and will only be imposed by the Authority in cases where it is considered appropriate to meet the licensing objectives. Any conditions proposed by a responsible authority and agreed by an applicant in such cases can be attached to the premises licence without the need for a formal Hearing either by the applicant agreeing to amend

their operating schedule to include any condition(s) agreed between the parties or if all parties agree that a hearing is not necessary.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. In circumstances where existing legislation already effectively promotes the licensing objectives it is likely that no additional conditions will be necessary. For this purpose each case will need to be assessed on its own individual merits.

Removal of DPS requirement at Community Premises

Instead of being required by way of a mandatory condition, to appoint an individual as a designated premises supervisor, (DPS), volunteer committees managing community premises are now allowed to take joint responsibility for the sale of alcohol in community premises.

Management Committees wishing to apply for the removal of the mandatory condition requiring a DPS at community premises will need to demonstrate clearly to the Authority how they operate and that there will be appropriate supervision of all alcohol sales at different types of events.

‘Community premises’ will include church halls, chapels, community and village halls and similar buildings. If there is any doubt as to whether a building is a community premises or not, the Authority will deal with such matters on a case by case basis with the main consideration being how the premises are being predominantly used, for example :

- are they genuinely made available for community benefit most of the time?

- are they accessible by a broad range of persons and sectors of the local community?
- are they being used for purposes which are beneficial to the community as a whole?

Applicants will be required to set out exactly how the premises are managed, its committee structure and how alcohol sales are to be properly supervised within the committee/management structure.

17. Enforcement

In line with the recognised 'Hampton' principles of inspection any enforcement protocols agreed between the police and other enforcing authorities will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. Consideration will also be given to any relevant codes of practice issued by the Better Regulation Delivery Office.

It is intended that, in general, action will be taken against 'problem' premises through the review process. In cases where more formal action, such as prosecution is considered to be appropriate, the key principles of consistency, transparency and proportionality will be maintained. The Authority will also have regard to the Enforcement Policy. (include link to policy)

18. Equal Opportunities

The Equality Act 2010 places a legal obligation on public authorities 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, for example age, disability, race and religion.

The Local Authority has a Statement of Intent for Equality and Diversity which requires that services are provided that embrace diversity, promote equality of opportunity and access. The statement can be found at (insert link)

19. Delegations

The Act provides that the functions of the authority are to be carried out by the Licensing Committee. The Licensing Committee may delegate these functions and where appropriate they can be delegated to officers.

The Local Authority has a scheme of delegations in place which sets out the types of decisions that have been delegated to officers and the circumstances within which they can be used. The delegations can be found at (insert link).