

Statement of Licensing Policy

1 Introduction

Purpose

1.1 This Statement of Licensing policy explains how the Harborough District Council, the “Licensing Authority” will carry out its role under the Licensing Act 2003, during the next three years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined in paragraph 1.2 below.

It will also:

- be used as a guide by members of the Licensing Authority in their decision making;
- inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

Consultation

1.2 In developing this Statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views.

- the police
- the fire authority
- bodies representing local holders of premises licences
- bodies representing local holders of club premises certificates
- bodies representing local holders of personal licences
- bodies representing businesses and residents in its area
- other groups that the Licensing Authority consider appropriate

1.3 The views of all these bodies listed will be given proper weight when the policy is determined. When undertaking consultation exercises, the Council will also have regard to cost and time.

1.4 For the purpose of the first statement of licensing policy, the above consultation process will involve, insofar as is possible, consulting with current licence holders and other businesses that will be required to be licensed for the first time under the Licensing Act 2003 before determining its statement.

A list of those bodies, organisations and individuals to be consulted appears at Appendix B

Licensable Activities

1.5 The licensable activities are:

- the sale of alcohol by retail
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club
- the provision of late night refreshment
- the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

1.6 Live Music

The Live music Act 2012 came into force on 1st October 2012.

Its main aim was to relax the licensing burden on those licence holders staging or looking to stage live music at their venue.

It removes the licensing requirements for:

- Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorized to sell alcohol for consumption on the premises.
- Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- Unamplified live music between 8am and 11pm in all venues.

It is possible to reinstate or impose conditions about live music following a review of a premises license or club premises certificate authorizing premises to supply alcohol for consumption on the premises.

The Live Music Act also removes licensing requirements for the provision of entertainment facilities.

In addition, it has widened the licensing exemption for music integral to a performance of Morris dancing or similar, so that the exemption applies to live or recorded music instead of unamplified live music.

Although the changes to the law and the associated benefits to local musicians and their supporters are to be welcomed there is still a requirement That any music should not be loud enough to cause a nuisance to neighbours.

2.0 Fundamental Principles

Background

2.1 This Statement of Licensing policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

The Licensing Objectives

2.2 The licensing authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

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

2.3 Balance

The licensing authority will also seek to achieve a balance between the requirement to facilitate leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

This policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a license or where provision has been made for them to do so in the Licensing Act 2003.

2.4 Extent of Control

Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the license holders and others with relevant authorisations.

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned. However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimizing the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

3.0 Consideration of Cumulative Impact

- 3.1 The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub, restaurant or hotel etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. “Need” is a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.

- 3.2 In certain situations the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual areas the licensing authority may consider that an area has become saturated. In these circumstances, where representations are made from a responsible authority such as the police or interested party, such as local residents or it can be demonstrated from reliable statistics, the licensing authority may consider whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. If this is the case it may adopt a **special saturation policy**, which would allow it to refuse new licences because the area in question already saturated with licensed premises.
- 3.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it would continue to consider each application properly on its merit and for licences that are unlikely to add significantly to the problems of saturation would be approved.
- 3.4 The Licensing Authority in considering whether to introduce a special saturation policy will take the following steps:
- identification of serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder;
 - assessment of the causes;
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area; and
 - adopting a special policy, as provided for in this statement, about future licence applications from that area.
- 3.5 When considering whether to refuse an application because of a special saturation policy, it will be for an objector to a particular application to lay the necessary evidence that the granting of the licence would produce the cumulative impact as described above. The Licensing Authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 3.6 The Licensing Authority will review any special saturation policy every 3 years in line with a review of this policy statement.
- 3.7 Any special saturation policy will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; and

- justifying the rejection of modifications to a licence except where those modifications are directly relevant to the policy.
- adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

3.8 The Licensing Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues, for instance:

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

4 Licensing Hours

4.1 In making decisions that relate to the hours for which a premises is licensed, consideration will be given to the licensing objectives. Each case will be decided on its individual merits.

4.2 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance. For example, limitation may be appropriate following police representations in the case of isolated shops known to be the focus of disorder and disturbance because youths or young adults gather there.

- 4.3 In making decisions in respect of hours, consideration will be given to representations made by concerned members of the public, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation.
- 4.4 In recognition that residents in one area should not be treated less well than others simply because they live in busy central areas of towns or because residential housing is less dense than in other areas, fixed trading hours will not be set for particular geographical areas (Zoning). It is recognised that this may also lead to significant movement of people across boundaries in search of premises opening later. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.
- 4.5 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.

5 Licensing Authority (Responsible Authority Role)

- 5.1 The Licensing Authority is now included in the list of responsible authorities and In common with other responsible authorities it is for the licensing authority to determine when it considers it appropriate to act in that capacity. The Licensing Authority will not make a representation or apply for a review at the request of another Responsible Authority or other person.
- 5.2 There are many occasions when the Licensing Authority may decide to make a representation or apply for a review based on evidence and information collated from other Responsible Authorities even though those Responsible Authorities have chosen not to make a representation.
- 5.3 The Licensing Authority is unlikely to intervene where the basis for the intervention falls within the remit of another Responsible Authority. For example, the police should make representation where the representation are based on concerns about crime and disorder.
- 5.4 Where the Licensing Authority does not make representations it will ensure that there is a proper separation of responsibilities. The licensing officer preparing papers for a sub-committee hearing will be different to the Licensing Officer making the representations on behalf of the Responsible Authority. The Licensing Officer acting for the Responsible Authority will not be involved in the administrative process of the application or review and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority. Communication between these Licensing Officers in

relation the case will remain professional and consistent with communication with other Responsible Authorities

- 5.5 The Licensing Officers administering the application will be allowed to conduct negotiations between the Licensing Officer making the representation and the applicant.

6 Promotion of the Licensing Objectives

6.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:

- Granting or refusing applications for licences;
- Reviewing licences;
- Imposing conditions;
- Deciding how to integrate its role with other strategies of the council.

6.2 Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Crime and Disorder – Leicestershire Police
- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Local Authorities Environmental Health Officers with responsibility for Health & Safety and the Local Authorities Building Control Officers
- Public Nuisance – the Local Authorities Environmental Health Officers with responsibility for Pollution Control, and the Technical Officers with responsibility for Street Cleansing
- Protection of Children from Harm – Leicestershire Police and the Leicestershire County Council Social Services Area Child Protection Committee.

6.3 The Licensing Authority will support the following steps to promote the licensing objectives that are included in operating schedules. It will also consider requests made by responsible authorities that conditions be applied in appropriate circumstances to licences to require the following steps:

Premises Licensed for the Sale of Alcohol

- Requiring proof of age cards in situations where underage drinking is considered a problem (The Authority would suggest as best practice, the proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standard Scheme (PASS) launched in January 2003 by the British Retail Consortium
- The provision, qualifications, training and identification of staff to control admission and to control the public inside the premises
- Setting of a capacity limit
- Prohibiting the sale of alcohol in bottles for consumption on the premises to prevent their use as weapons
- Prohibiting alcohol in open containers being taken from premises
- Requiring drinking vessels to be plastic or toughened glass

- Prohibiting irresponsible drinks promotions (e.g. Happy Hours)
- Requiring CCTV in appropriate circumstances at positions agreed by the Police and the control, use and availability of tapes and other digital means of recording
- The fixing of Crime Prevention Notices including drugs related offences.
- Requiring the provision of text pagers to connect premises supervisors to the police and National Pubwatch Schemes in premises located in town and city centres
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving and leaving the premises
- Where licensed activities encroach onto the public highway or similar public areas, conditions be applied to prevent and remove litter.
- Packaging and Promotion of Alcoholic Drinks - The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

Conditions relating to Public Safety (including fire safety)

- Arrangements for disabled people
- Provision and maintenance of escape routes
- Safety checks
- Curtains, hangings, decoration and upholstery (including Temporary Decorations and Displays)
- Limits on accommodation numbers
- Fire Action Notices
- Outbreaks of Fire
- Loss of Water
- Access for Emergency vehicles
- First Aid
- Lighting
- Temporary Electrical Installations
- Ventilation
- Indoor Sports Entertainments, a number of specific conditions are suggested

Premises Licensed for Regulated Entertainment

- Setting of a capacity limit
- The provision of staff to control admission and to control the public inside the premises
- Appropriate measures to prevent nuisance from the premises including sound insulation, and noise limiting devices
- The exclusion of children from unsuitable entertainment and films with age restriction classifications.
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Cinemas and Theatres

- Appropriate measures to promote public safety in respect of the nature of these venues including:
 - The number of attendants
 - Standing and sitting in gangways
 - Drinks, drinking times and drinking areas
 - Balcony fronts
 - Special effects
 - Scenery
 - Safety curtains
 - Ceilings including safety and structural integrity
 - Seating arrangements and numbers

Dance Venues

- Appropriate measures to prevent drugs misuse
- The introduction of a policy on searches of customers on admission
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of air conditioning and ventilation
- Making drinking water freely available at drinking fountains, or in freely available plastic containers, to help prevent dehydration and overheating.
- Appropriate measures to combat overheating
- The use of special initiatives such as the Safer Clubbing Guide

Public Nuisance

- Limitation on hours of operation where necessary to prevent nuisance and disturbance
- Measures to reduce noise and vibration emissions from premises
- Measures to prevent noxious smells
- Measures to reduce light pollution

6.4 A guide on how to write an operating schedule to meet the requirements of the responsible authorities is available from the Licensing Authority or can be downloaded from the Licensing Authority's web-site at:
www.harborough.gov.uk

7 Children

General

- 7.1 The licensing authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Social Services Authority on each application.
- 7.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk.
- 7.3 The licensing authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 7.4 The licensing authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas may give rise to particular concern in respect of children:
- 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 from a reputable source that underage drinking is a problem.
 - Where there has been a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - Children allowed to enter a Public House unaccompanied by an adult.
- 7.5 Conditions will not be imposed that require that children must be admitted to premises. This will remain a matter for the discretion of the licensee.
- 7.6 The range of options available to limit the access of children to licensed premises that may be imposed by the licensing authority include:
- Limitations on the hours where children may be present;

- Age limitations (can only apply below the age of 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;
- In exceptional cases, full exclusion of people under 18 from the premises when any licensable activities are taking place.

7.7 The licensing authority will expect an operating schedule to take account of the fitness and suitability of adult staff supervising children. This will include information on how applicants have ensured that such people are suitable, trained and supervised and how complaints are responded to.

Children and Cinemas

7.8 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

Children and Public Entertainment

7.9 The licensing authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, for example, performances especially for children, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The minimum number of staff required will be one for every 50 children or part thereof. The licensee should make an assessment of whether additional staff are required, taking into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

7.10 Licensees will be expected to ensure that where children as performers, suitable specific provisions shall be made to safeguard them from harm.

8 Early Morning Restriction Orders (EMRO)

- 8.1 A Licensing Authority can introduce an EMRO in a particular area if they are satisfied it is appropriate for the promotion of the licensing objectives. An EMRO can restrict sales of alcohol in the whole or part of the Licensing Authority area for any specified period between 12 midnight and 6am. If an EMRO is introduced it would apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period.
- 8.2 The introduction of an EMRO could be suggested by the public or the Police. A Licensing Authority is required to advertise any proposal to make an EMRO and demonstrate that they have evidence to justify doing so, as well as considering any representations.
- 8.3 The Licensing Authority will review the need for EMROs at least every five years in line with the review of the policy to see if circumstances have changed and any are needed, however, the Licensing Authority would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

9 Late Night Levy

- 9.1 A late night levy enables Licensing Authorities to raise a contribution from late-opening alcohol supplies towards policing the night-time economy. It is a power that Licensing Authorities can choose whether or not to exercise.
- 9.2 The levy must cover the whole of the Licensing Authority's area. The Licensing Authority will choose the period during which the levy applies every night, between midnight and 6am., and decide what exemptions and reductions should apply.
- 9.3 The Licensing Authority should discuss the need for a levy with the relevant Police and Crime Commissioner and the relevant Chief Officer of Police. The Licensing Authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy.

10 Integrating strategies

10.1 The Licensing Authority will seek to achieve integration with the following strategies and will consult with the appropriate organisations to achieve this.

- Crime Reduction Partnership
- Planning including adopted Local Plan in relation to Town Centre Strategies
- Building Control
- Transport
- Tourism
- Cultural Strategy
- Employment
- Promotion of Race Equality

10.2 Statements of policy should provide clear indications of how the licensing authority will secure the proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

10.3 Conditions attached to premises licences and club premises certificates should reflect local crime prevention strategies. For example, the provision of closed circuit television cameras/other digital means of recording in or on certain premises at positions to be agreed by the police and the use, management and availability of tapes.

10.4 Protocols agreed between the local police and other licensing enforcement officers should provide for them to report to local authority transport committees so that those committees may have regard to the need to disperse people from town and city centres swiftly and safely to avoid concentrations which produce disorder and disturbance.

10.5 The Licensing Authorities will also arrange that their licensing committees receive reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations.

10.6 The Licensing Authorities will also ensure that their licensing committees keep abreast of the employment situation in the area and the need for new investment and employment where appropriate.

11 Licensing and Planning

- 11.1 The Licensing Authority will see to it that planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal.

12 Duplication

- 12.1 The Licensing Authority will avoid duplication with other regulatory regimes (e.g. Health and Safety at Work Act) insofar as attaching conditions to premises' licences and club premises certificates.
- 12.2 Conditions will only be attached where they are "necessary" for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 12.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

13 Standardised Conditions

- 13.1 This authority will only attach to premises licences and club premises certificates those conditions that are tailored to the individual style and characteristics of the premises and the events concerned and where they are necessary for the achievement of one or more of the four licensing conditions.
- 13.2 However to aid administration and for the benefit of applicants, attached to this Statement of Licensing Policy, but not forming part of the Policy at Annex A are pools of conditions from which the authority may draw upon appropriate and proportionate to cover particular circumstances.
- 13.3 A number of conditions are mandatory and are required to be applied to licences. These relate to the requirement for a Designated Premises Supervisor where alcohol is to be sold, preventing under age admission to age restricted films and the requirement that door supervisors are registered with the Security Industry Authority. These are set out in Sections 19, 20 and 21 of the Act.
- 13.4 The Policing and Crime Act 2009 introduced further Mandatory Conditions which will be imposed on all Premises Licences. These relate to irresponsible drinks promotions, free tap water, the dispensing of alcohol into the mouth,

age verification and the availability of small measures for beers, wines and spirits.

14 Enforcement

14.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.

14.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.

14.3 The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting should prevail and inspections should not be undertaken routinely but when and if they are judged necessary so as best to promote the licensing objectives. This will ensure that resources are more effectively concentrated on problem premises. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

14.4 Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in this Statement of Policy, and the requirements of the Licensing Act itself;
- Protect public safety;
- Prevent nuisance;
- Prevent crime and disorder;
- Protect children from harm;
- Identify unlicensed activities;
- Respond to complaints and representations from relevant individuals and responsible authorities;
- Prevent the sale of alcohol to minors;
- Prevent the sale of alcohol to people who are drunk;
- Identify the keeping of smuggled goods; and
- Prevent drug abuse.

15 Live Music, Dancing and Theatre

- 15.1 The Licensing Authority will ensure that when it considers licences for entertainment involving live music, dancing and theatre it will act so as to promote the licensing objective of preventing public nuisance.
- 15.2 The Licensing Authority recognises that there is a need to encourage and promote live music, dancing and theatre because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

16 Personal Licences

- 16.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.
- 16.2 Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and be available on the premises throughout most of the day to deal with circumstances.
- 16.3 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

17 Temporary Event Notices

- 17.1 Standard Temporary Event Notice (TEN) on the Licensing Authority notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the police and Environmental Health, as responsible Authorities no later than ten working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.

- 17.2 Late Temporary Event Notice (LATE TEN) on the Licensing Authority notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than five working days before the first of the event and no earlier than nine working days before the first day of the event. The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.
- 17.3 The maximum number of person allowed on the premises at the same time during the temporary is 499. If alcohol is to be supplied, all supplies must be carried by or under the authority of the person serving the TEN, and that person need not hold a personal licence
- 17.4 Only the Police and Environmental Health may object to the staging of temporary event. If they believe that any of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice.'
- 17.5 Where an Objection Notice is received in relation to a standard TEN, a licensing sub-committee will be held to determine the notice within even working day of the objection notice being issued. A hearing may not be necessary if an agreement can be reached beforehand. Where an Objection Notice is received in relation to a LATE TEN, the event will automatically be refused authorisation. There is not right to appeal in this instance.
- 17.6 The Act provides that only the Licensing Authority can impose conditions (from the existing conditions on the premises licence or club certificate) to a TEN. The licensing Authority can only do so:

If the Police or Environmental Health have objected to the TEN.
If the objection has not been withdrawn.

18 Related Policies

18.1 Street Trading Policy

Harborough District Council administers a Street Trading Consent Scheme. Various areas within in the district a deemed consent areas in which traders require consent.

- 18.2 Those street traders who provide hot food between 23:00 and 05:00 hours and alcohol require a premises licence under the Licensing *Act 2003*.

Street traders equipped with a mobile catering vehicle may apply for a premises licence to supply late night refreshments but as part of the application process will be required to provide the details of the area in which they want to trade. This trading area will be quite well refined within the broader landscape and will act as the 'premises' area. The applicant will also be required to provide a description including photographs of their mobile catering vehicle. To make a change to the vehicle or the premises trading area a licence holder will be required to submit a fresh premises licence application.

19 Sex Establishment Venues (SEV)

19.1 *A licence will not normally be granted except in exceptional circumstances and this will be referred to the Licensing Committee for determination*

20 Delegation of Functions

20.1 The following will be determined by either the Licensing Committee of one of its sub-committees:

- Application for a personal Licence where there are relevant unspent convictions.
- The review of the premises or licence or club premises certificate.
- Decision to object when the Local Authority is the consultee and not the relevant authority considering the application.
- Determination of a Police objection to a temporary event notice.
- Determination of an Environmental Health Objection to a temporary event notice.

The following will be determined by either the Licensing Committee of one of its sub-committees where a relevant representation has been made:

- Application for a personal licence.
- Application for a premises licence or club premises certificate.
- Application for provisional statement.
- Application for variation to a premises licence or club premises certificate.
- Application to vary a designated premises supervisor.
- Application for transfer for a premises licence.
- Application for an interim authority.

21 Appeals

- 21.1 Applicant and those making representations in respect of applications and reviews to the licensing authority have the right of appeal to the Magistrates Court against the Licensing Authority's decisions. Further information on how to appeal can be obtained by contacting Leicester Magistrates Court, The Court House, 15 Pocklingtons Walk, Leicester LE1 6BT.

22 Fees

- 22.1 Following amendments that came into force in October 2012 the Licensing Act 2003 requires a Licensing Authority to suspend a premises license or club premise certificate if the annual fee is not paid when it due.

23 Period of Validity and Review

This statement of licensing policy will come into force on 1st January 2016 and will be valid for five years, subject to review.

The policy will be kept under review during that period and if necessary amendments made.

Annex A

Recommended delegation of functions

Matter to be dealt with	Full Cttee	Sub Committee	Officers (Environmental Services Manager)
Application for personal Licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Annex B LIST OF CONSULTEES

	Contact Details
Police	The Chief Officer of Police The Licensing Section Mansfield House 74 Belgrave Gate Leicester LE1 3GG
Fire	The Chief Fire Officer Leicestershire Fire and Rescue Anstey Firth Leicester Road Glenfield Leicester LE3 8HD
Protection of Children	County Council Social Services Department.
Illegal Sales and Labelling	County Council Trading Standards
Pollution and Nuisance	Chartered Institute of Environmental Health
Public Safety	Chartered Institute of Environmental Health Institute Building Control Officers (Leicestershire Group)
Representatives of Licensees – Premises Licences and Club Licences	Relevant Breweries Licensing Solicitors BII (British Institute of Innkeeping) BBPA (British Beer and Pub Association) Midland Counties Brewers' and Licensed Retailers' Association BEDA (Bar Entertainment and Dance Association) ALMR (Association of Licensed Multiple Retailers) BRC (The British Retail Consortium) Society of Entertainment Licensing Practitioners
Representatives of Licensees – Personal Licences	Local Licensed Vitalers Associations BII (British Institute of Innkeeping) Trade Unions
Licensed Vitalers	Local Licensed Vitalers Associations
Licensed Retailers	The Association of the Licensed Multiple Retailers (ALMR)

Clubs (Sport etc)	Existing Club Registration Certificates (HDC)
Accident and Emergency Units	Kettering General Hospital, Leicester Royal Infirmary, Rugby St Cross, Rugby, George Eliot Hospital, College Street, Nuneaton Market Harborough Cottage Hospital Lutterworth Cottage Hospital
Transport Undertakings	Arriva
	Representatives of the Local Taxi Trade
	British Rail
Representatives of Business and Residents	Chairs of Parish Councils and Parish Meetings and Lutterworth Town Council Chambers of Trade
Crime and Disorder Partnership	Harborough District Community Safety Partnership
Pub Watch Scheme	National Pubwatch Scheme 17 Chace Avenue Potters Bar Hertfordshire EN6 5LX Tel: 0207930 5826/01707 650095
Tourism matters	HDC Planning Policy Dept
Local MP's	Edward Garnier Alberto Costa Alan Duncan
Sustainable Development	HDC Planning Department
Consumer Organisation	CAMRA
Representatives of Village and Church Halls	Rural Community Council
Entertainers	Equity
Late Night Refreshment Providers	Individual Local Outlets within Harborough District and Multiple Outlet Companies
Corporate Impact	Harborough District Council Internal Licensing Group