



# **Melton Borough Council**

## **Licensing Act 2003 Statement of Licensing Policy 2022**

Approved by Full Council on.....  
**Draft 2022-2027**

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# 1. Introduction

## 1.1 Purpose

This Statement of Licensing Policy explains how the Melton Borough Council (referred to as the 'licensing authority' throughout this policy) will carry out its role under The Licensing Act 2003, during the next five 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 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. This will assist parties who make representations in regard to applications.
- be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

This Policy is normally in place for five years but will be kept under review during that five-year period.

## 1.2 Consultation

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

- The local Police and Police licensing team.
- The fire authority for the area
- Director of Public Health
- Representatives of local premises licence and club premises certificate holders.
- Representatives of local personal licence holders
- Bodies representing businesses and residents in its area
- Other groups that the licensing authority considered appropriate.

## 1.3 Licensable Activities

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
- A performance of live music (not incidental music, i.e. a piano in a restaurant)
- Any playing of recorded music
- A performance of dance
- Similar types of entertainment.

To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that take place between 08:00- 23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises;
  - a performance of unamplified live music
  - a performance of live amplified music in a workplace with an audience of no more than 500 people; or

- a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.
- Recorded music, where recorded music comprises;
  - Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
  - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
  - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated Entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place, then the Police and local authorities have powers to take action.

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. Fundamental Principles

### 2.1 Background

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.

### 2.2 Immigration Act 2016

The Immigration Act amended the 2003 Act and introduced the requirement for immigration safeguards in respect of licensing applications. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters. The Home Secretary (in practice Home Office (Immigration Enforcement)) act as a responsible authority in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

### **2.3 Entitlement to Work**

Individuals applying for a premises licence for the sale of alcohol or late-night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment but does not include applications which apply to regulated entertainment only.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. An applicant can do this in two ways.

1. By providing with their application copies or scanned copies of the documents which an applicant may provide to demonstrate their entitlement to work in the UK (these copies do not need to be certified) and are published in guidance issued under s182 of the Licensing Act 2003 and listed in **Appendix C**.
2. By providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service.

### **2.4 Promoting the Licensing Objectives**

The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives, these are:

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



Each objective is of equal importance and the four objectives will be paramount considerations of the Licensing Authority at all times.

It is for the applicant to decide what measures, if any, to suggest in the operating schedule of the application form, in order to address any potential concerns that might arise in the promotion of the licensing objectives. The measures proposed in the operating schedule will be converted into conditions on the licence.

Responsible Authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the Licensing Objectives. An applicant, who proposes no measures on their operating schedule to promote the Licensing Objectives, may face more representations than an applicant who has risk assessed their operation and proposes required and proportionate measures.

The Licensing Authority recommends that applicants discuss their application early with Responsible Authorities. Most Responsible Authorities would be willing to discuss matters with an applicant with a view to reaching an agreement on measures to be proposed. This can prevent representations at a later date. Contact details for the Responsible Authorities can be found on the Licensing pages of the Council web site or by contacting the Licensing Section.

Where no representations are made the Licensing Authority must grant a licence subject to conditions consistent with the operating schedule.

## **2.5 Balance**

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

This policy does 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 licence where provision has been made for them to do so in the Licensing Act 2003.

## **2.6 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 licence holders and others with relevant authorisations. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.

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 minimising 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. Consideration of Cumulative Impact

Licensing Authorities can choose to place tougher restrictions in areas where there are high levels of crime and disorder or where public nuisance has been identified as particularly problematic. If these areas have a high number of licensed premises, a local authority can adopt a cumulative impact policy. The principle behind this is that the existing crime and disorder and/or public nuisance in a certain area is so bad that no new premises should be licensed or extended, and in Melton's case if representations were received, each application must be considered by a licensing sub-committee.

Local authorities have been required to produce a Cumulative Impact Assessment at least every three years since 2017, to support a Cumulative Impact Policy.

New and variation applications for licences within this area, have to address the issues in their operating schedules to demonstrate that any application would not add to the cumulative impact effect.

These Cumulative impact zones were initially very popular with local authorities but now however may no longer be suitable in the rapidly changing hospitality sector. Many argue that rather than improving an area, they can lead to a lack of choice for customers and add extra bureaucracy to new business looking to establish there. The pandemic effectively shut down large parts of the hospitality sector for many months, so many local authorities no longer have the evidence to support cumulative impact policies so they have removed it or reduced them significantly.

Melton had a Cumulative Impact Policy in the 2017 policy but in line with the arguments above it is deemed no longer necessary. Following consultation on this policy it is proposed that the Cumulative Impact Policy be removed from this policy. Each application will still be viewed on its own merits regardless of its location.

## 4. Licensing Hours

### 4.1 Times

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

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.

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 unless there are good reasons based on the licensing objectives to restrict the hours.

In making decisions in respect of hours, consideration will be given to relevant representations made by residents and businesses, 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.

Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

### 4.2 Drinking up time

The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However, the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants seeking permission for the sale of alcohol for consumption on the premises are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Licensing Authority considers that a 30 minute drinking up time, where relevant, will assist in the gradual dispersal of customers and consequently reduce the impact on the area.

Where relevant representations are made the Licensing Authority will consider incorporating drinking up time where this is necessary and proportionate in order to promote the licensing objectives in any individual case.

### 4.3 Local, National and International Occasions

It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, such as bank holidays, and to include appropriate opening hours in their operating schedules.

Additional occasions, which require an extension, may be covered by a temporary event notice.

Exceptional events of local, national, or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a Royal Wedding or Royal Jubilee.

## 5. Licensing Authority (Responsible Authority Role)

The Licensing Authority is 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.

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.

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 representations are based on concerns about crime and disorder.

Where the Licensing Authority does 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 to the case will remain professional and consistent with communication with other Responsible Authorities.

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

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.

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 are expected to have regard to this Statement of Licensing Policy and be aware of the expectations of the Licensing Authority and the Responsible Authorities as to the steps appropriate for the promotion of the licensing objectives.

The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps. The risk assessment will vary dependent on the nature of the business, and it is for applicants to decide what is appropriate in each case.

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:

- Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State)
- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Local Authorities Environmental Health Officers with responsibility for Health and Safety

- Public Nuisance – the Local Authorities Environmental Health Officers with responsibility for pollution control, Development Control / Planning.
- Protection of Children from Harm – Leicestershire Police, Leicestershire and Rutland Safeguarding Children Board, Leicestershire Trading Standards, Public Health

Applicants know their premises best and will be expected to address the concerns that relate to the individual style of the premises and activities set out in their operating schedule.

Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will take into account the information set out below, on steps to promote the licensing objectives, when undertaking the functions identified in Paragraph 9 above.

Licensees are key partners in working towards the promotion of the Licensing Objectives. In completing their Operating Schedules applicants will be expected to consider whether to put suitable and sufficient measures in place to promote those objectives. These measures would be relevant to the individual style and characteristics of the premises and activities.

## 7. The Prevention of Crime and Disorder

### **CCTV**

The presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour, and crime generally. The Licensing Authority will therefore support the provision of CCTV in pubs and clubs and late night refreshment premises.

### **Irresponsible Drinks Promotions**

The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

## **Alcohol Deliveries**

If an applicant is applying for a licence which allows them to provide alcohol as part of an alcohol delivery service, should consider including in their operating schedule how they intend to operate to ensure that.

- The person who they are selling alcohol to is over the age of 18.
- That alcohol is only delivered to a person over 18 years of age.
- That there is a clear document trail of dispatch from the licensed premise and delivery to customer, showing times and signatures which can be made available for inspection by an authorised officer.
- That the times of alcohol being sold on the website, over the telephone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

### **7.1 Dance Venues**

The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the “Safer Clubbing Guide” published by the Government.

Also to be considered are:

- 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
- The permanent availability of drinking water
- Appropriate measures to combat overheating

### **7.2 Premises Licensed for the Sale of Alcohol**

There is a wide range of other steps which may be appropriate circumstances including:

- The provision, qualifications, training and identification of staff to control admission and to control the public inside the premises.
- Measures to reduce the likelihood of causing harm through violence or accidents including:
  - 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
- Requiring CCTV in appropriate circumstances at positions agreed by the Police and the control, use and availability of recordings.
- The fixing of Crime Prevention Notices including drugs related offences.
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving and leaving the premises.
- The adoption of an age determination policy such as “Challenge 25” to prevent underage sales (including staff training, training records and customer awareness of the scheme).

### **7.3 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.

## **8. The Prevention of Public Nuisance**

To determine the potential effect on neighbouring premises, the Licensing Authority considers that applicants for premises licences and club premises certificates, should carry out a risk assessment. Advice and assistance in undertaking this task should be sought from Council Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:

- 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
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
- Stricter controls will be supported in areas in closer proximity to residential accommodation.

## **9. Public Safety**

Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory



regimes such as the Health and Safety at Work Act and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.

Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This may include:

- Setting of a capacity limit for all, or separate parts, of the premises. Capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- The provision of staff to control admission and to control customers inside premises and at outdoor events

Also to be considered are:

- 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

## 10. The Protection of Children from Harm

### 10.1 General

The protection of children from harm includes the protection of children from moral, psychological, and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

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 Leicestershire and Rutland Safeguarding Children Boards.

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. 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.

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 would 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 with a reputation for underage drinking
- Where there has been an 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).

Conditions will not be imposed that require no admission of children. This will remain a matter for the discretion of the licensee.

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
- Limitations or exclusions when certain activities are taking place
- Limitations on the parts of the premises to which children may be given access
- Requirements for accompanying adults
- In exceptional cases, exclusion of people under 18 from the premises when any licensable activities are taking place.

## **10.2 Children and Cinemas**

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.

### **10.3 Children and Public Entertainment**

The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, 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 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.

### **10.4 Proof of Age Cards**

The Licensing Authority supports the adoption of proof of age cards as a means of preventing under-age drinking. It recommends that any premises licensed to sell alcohol requires proof of age from any person where there is any doubt as to whether they are over 18. The Licensing Authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

## **11. Integrating Strategies**

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

### **11.1 Crime Reduction Partnership**

The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Melton a safe and attractive borough in which to live, work, study and socialise.

### **11.2 Planning**

The Licensing Authority will ensure 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 or decisions made under delegated authority to officers.

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.

### **11.3 Cultural Strategy**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.

This licensing policy will operate in the spirit of the Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

In order to maintain this balance, the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance, and festivals
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc. by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small-scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- seek to create an environment which minimises nuisance and antisocial behaviour connected to cultural activity and events but

without undermining our commitment to increase access to cultural participation as a fundamental human right.

## **11.4 Building Control**

The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

## **11.5 Promotion of Equality**

In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.

The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact

on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

## **11.6 Disabled Access**

The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

## **11.7 Transport**

Transport Strategy is set out in the Local Transport Plan (LTP) by County Council. This is currently under review at present and take particular account of the plans for the Melton Mowbray Distributor Road (MMDR).

Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. 24 hour taxi ranks are provided in Melton.

## **12. Duplication**

The 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.

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.

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**

The Local 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 objectives.

However, to aid administration, attached to this statement at the **Appendix A** is a pool of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

A number of conditions are mandatory and are required to be applied to licences.

### **13.1 Mandatory Conditions**

Mandatory conditions are provided by the 2003 Act, amended by the Mandatory Licensing Conditions (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

The Mandatory Conditions are attached to this Policy at **Appendix B**. These need to be adhered to and complied with by the Premises Licence Holder.

For premises with 'on' sales, the Mandatory Conditions will include the following requirements;

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-

- Permitted price of alcohol
- Age verification Policy
- Irresponsible promotions
- No drinking games (encouraging people to drink too much or within specific time limits).
- Free potable water
- Measures of alcoholic drink
- Exhibition of films
- Door Supervision

For premises with 'off' sales, the Mandatory Conditions will include the following requirements;

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-

- Permitted price of alcohol
- Age verification Policy

## 14. Personal Licences

Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made by someone who is not entitled to work in the UK must be rejected.

Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

In order to carry out this duty, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity.

In order to discharge this duty, from 6<sup>th</sup> April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity (**Appendix C**)

In order to discharge this duty, from 6<sup>th</sup> April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and require applicants to submit copies of one of the documents listed in Appendix 3. As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by providing their 'share code' to the Licensing Authority, enabling the Authority to carry out a check with the Home Office.

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.

The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.



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 to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.

Applicants for personal licences who are ordinarily resident in a licensing authority's area are required to make the application to that licensing authority.

When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

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.

#### **14.1 Changes during lifetime of licence**

The holder of a Personal licence is required by the 2003 Act to notify the licensing authority of any changes to a holder's name or address. These changes should be recorded by the licensing authority.

### **15. Temporary Event Notices (TENs)**

The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.

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.

## 16. Representations

Subject to the type of application representations may be made by a Responsible Authority or other persons (as defined by the Licensing Act 2003).

Any representation must be writing, and the Licensing Authority has a representation form available on the Council web site or that can be requested via the licensing section.

Any person (including members of the public) needs to be aware that their personal details will be made available to the applicant. The Licensing Authority is not able to accept anonymous representations. Representations must include your full name, address, and contact information (telephone number and email address).

Any representation, which is received other than from a Responsible Authority, will in the first instance be determined as to whether it is relevant, i.e., based upon one or more of the four licensing objectives.

Relevant representations are representations that

- Are about the likely effect of the premises licence on the promotion of the licensing objectives.
- Which have not been withdrawn and are not, in the opinion of the Licensing Authority, frivolous or vexatious.

If relevant representations are received about an application, the Licensing Authority will hold a hearing to consider them unless the Licensing Authority, the applicant and everyone who has submitted a representation agree that the hearing is unnecessary. Applicants and those making representation should seek, in advance of the meeting, to try and reach an agreement.

## 17. Enforcement

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

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

Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. 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.

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
- Prevent drug abuse.

### **17.1 Annual Fees - Suspension for Non-Payment of Fees**

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. Once suspended, no licensable activities can be carried out at the premises or Club until such time as the annual fee has been paid. The suspension is lifted immediately once the outstanding fee is paid, and licensable activities may resume.

If the annual fee has not been paid by the due date the licence holder will be notified and given notice of the date that the suspension will take effect.

### **17.2 Reviews**

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. This acts an incentive for premises to effectively self-regulate.

On receipt of a relevant representation to carry out a review, licensing authority has a range of options available to it and may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of

recorded music (where it is not within the incidental live and recorded music exemption).

- remove the designated premises supervisor.
- suspend the licence for a period not exceeding three months.
- revoke the licence.

## 18. Live Music, Dancing and Theatre

The Licensing Authority will ensure that when it considers licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective.

The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

### 18.1 Events in Melton

If holding an event in Melton which falls into one or more of the following categories:

- Attendance of more than 500 people
- VIP /Military interest or attendance
- Highway impact (including road closures or restrictions)
- Has a community impact (i.e., are there any issues that may affect a community's confidence or any community tensions that may arise from the planned event)

Event organisers are responsible for and should ensure that all necessary permissions and licences are in place before an event goes ahead. Event Safety Group members should also have been notified as part of your event planning process. Melton Borough Council uses a well-established Leicestershire-wide event notification and reporting process. This is designed to support event organisers to run events safely and effectively, and to signpost them to guidance on the measures that they might need to take to ensure that they comply with the relevant legislation and guidance. It also helps us to fulfil our responsibility to flag information about upcoming events to our partner agencies, including the Emergency Services and Leicestershire County Council.

It is essential that organisers give substantial notice so that proper preparations and precautions can be put into place for the event. This also applies if the event is proposed under a Temporary Event Notice.

## 19. Wholesale of Alcohol

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS).

They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized.

Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers, and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.

## 20. Delegation of Functions

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

- Application for a personal licence where there are relevant unspent convictions
- The review of a premises 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.

The following matters will be determined by either the Licensing Committee or 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 a provisional statement
- Application for variation to a premises' licence or club premises' certificate
- Application to vary a designated personal licence holder
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

The Licensing and Compliance Officer will determine all other matters under the authority of the Head of Regulatory Services, to whom such powers have been delegated in the Council's constitution.

The Licensing Authority will ensure that all Members appointed to serve as members on the Licensing Committee and any of its panels will have undergone appropriate training before they act in that capacity.

## 21. Period of Validity and Review

This Statement of Licensing Policy will come into force on 1<sup>st</sup> September 2022 and is valid for up to five years.

The Policy will be kept under review during the period of validity and if necessary amendments made.

Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

## 22. Contacts

Anybody wishing to contact the Licensing Authority with regard to this Policy Statement can do so as follows:

In writing to: Licensing Team  
Melton Borough Council  
Parkside  
Station Approach  
Burton Street  
Melton Mowbray  
Leicester  
LE13 1GH

Telephone: (01664) 502502

E-mail: [licensing@melton.gov.uk](mailto:licensing@melton.gov.uk)

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## Appendix A

### Licensing Act 2003 – Pool of Model Conditions

The non-mandatory conditions listed in this “pool of model conditions” shall not be regarded as “standard conditions” and are **not** to be automatically imposed on all premises licences or club premises certificates. They are designed to provide a range of **possible** conditions which **may** be added to premises licences or club premises certificates via the applicants operating schedule or, through the proper consultation/review process.

The addition of conditions is dependent on the individual circumstances and any conditions attached must be **appropriate** and **proportionate** to the application received.

Conditions must necessary for the promotion of one or more of the four licensing objectives which underpin the Licensing Act 2003, namely:

1. **Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **Protection of Children from Harm**

The wording of the conditions may need to be modified to suit a particular premises and/or situation.

This is not an exhaustive or exclusive list of conditions; additional conditions may be drafted and attached to such licences and certificates by, the applicant in question, any responsible authority, interested party, or the Licensing Authority where appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or ‘a competent person nominated by the designated premises supervisor’.

The Live Music Act 2012 has deregulated certain types of live and recorded music between 08.00 and 23.00 for which further details are available upon request for Melton Borough Councils Licensing Team.



## **Non-Mandatory conditions**

### **Crime and Disorder**

#### **Sale of Alcohol**

1. No sale of alcohol shall be made unless the designated premises supervisor or a personal licence holder is present on the premises.
2. The premises licence holder shall join the Retail Radio scheme or any similar scheme operating in the area and ensure that:
  - (a) The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
  - (b) The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
  - (c) Any police instructions/directions are complied with whenever given; and
  - (d) All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
3. The Designated Premises Supervisor shall hold the certificate in National Course of Designated Premises Supervisor.

#### **Door Supervisors**

4. The premises licence holder shall employ a minimum of SIA licensed door supervisors for every [100] customers or part thereof to deal with any likely contingency from [start time].
5. A minimum of [x] SIA licensed door supervisor shall be on duty at the premises [at all times whilst it is open to the public/after xx.xx/until the last admission time for the public].
6. At least [x] SIA licensed door supervisors shall be on duty at the entrance of the premises at [all times whilst it is open to the public/until the last admission time for the public].
7. If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.
8. Where door supervisors are required the premises licence holder shall keep records showing the names of the supervisor, their SIA badge number and expiry date, and the date/time that they were employed.

### Entry to premises

9. No public access to the premises shall occur through the [*specify doors*]. This condition shall not restrict the use of the doors in the event of an emergency.
10. There shall be no entry or re-entry, other than staff members, to the premises after xx.xx.
11. Patrons may be allowed re-entry where they have left the premises for a cigarette.

### Bottle Bans

12. No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
13. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
14. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [*red*] on the plan forming part of the premises licence.

### Plastic containers and toughened glass

15. The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.

### Restrictions on drinking areas

16. The premises licence holder shall ensure that no alcoholic drinks are consumed in the area marked (in red) on the plan (numbered...../attached to the premises licence).

### Crime prevention notices

17. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property unattended.

### Signage

18. The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in,

on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.

19. The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.

### Drugs

20. The designated premises supervisor shall complete a recognised 'drug awareness' training course [*within x weeks/ by x date*].
21. Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.

### CCTV

22. CCTV shall be installed to specifications and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 28 days. All recordings are to be held in a secure holding facility. If a tape system is used, tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the Responsible Authorities.
23. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.
24. An incident log shall be kept on the premises, and made available on request to the Police or Licensing Officer, which will record the following:
  - (a) All crimes reported to the premises;
  - (b) All ejections of patrons;
  - (c) Any complaints received;
  - (d) Any incidents of disorder;
  - (e) All seizures of drugs or offensive weapons;
  - (f) Any faults in the CCTV system;
  - (g) Any refusal of the sale of alcohol;
  - (h) Any visit by a responsible authority or emergency service.

## **Public Safety**

### Disabled People

25. The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.

### First Aid

26. The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

### Lighting

27. The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.

### Indoor Sports Entertainments

28. At least 28 day's notice of any event involving boxing or wrestling entertainment events shall be provided to the Licensing Authority and Environmental Health.
29. The premises licence holder shall ensure that:
- (a) An appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
  - (b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant;
  - (c) At any wrestling or other entertainment of a similar, nature members of the public do not occupy any seat within 2.5 metres of the ring;
  - (d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

**or**

The premises licence holder shall ensure that any requirements made by the Licensing Authority and Environmental Health during the preparation for and the provision of boxing and wrestling entertainment are complied with.

### Special Effects

30. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:

- dry ice machines and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- real flame
- fire arms
- motor vehicles
- strobe lighting
- lasers
- explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.

### Drinks

31. No drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

### Balcony Fronts

32. The premises licence holder shall make all reasonable endeavours to ensure clothing or other objects shall not be placed over balcony rails or upon balcony fronts. Signs shall be displayed informing customers that clothing or other objects shall not be placed over balcony rails.

### Ceilings

33. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person at least once in every five years and a certificate concerning the conditions of the ceilings shall be forwarded to the Licensing Authority.

### Pre-Inspection for new premises

34. The Health and Safety Department shall be notified 28 days prior to trading in order to make a visit to the premises so that an assessment of the adequacy of the control measures in relation to public safety can be made.

## Prevention of Public Nuisance

Where appropriate, the following conditions will relate to a single source e.g. a village pub rather than multiple sources e.g. the whole of the High Street in a town.

### Noise

35. The internal LAeq 15 min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from regulated entertainment at the licensed premises.
36. The premises licence holder shall ensure that the settings of the noise limiting device will not be altered unless approval is first confirmed in writing by the Local Authority's Authorised Officer.
37. Noise generated by amplified music, during the provision of regulated entertainment, shall be controlled by a noise limiting device set at a level determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.  
**or**  
A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.
38. All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when [*regulated entertainment is/events involving amplified music or speech are*] taking place. Acoustically-treated ventilation or air conditioning may be required in warm weather.  
**and**  
The premises licence holder shall undertake a risk assessment before regulated entertainment is provided during warm weather to ascertain if acoustically-treated ventilation or air conditioning is required. If it is so required, the premises licence holder shall take steps to ensure that it is provided.
39. The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.
40. Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting customers to respect the needs of local residents and leave the premises and the area quietly.

41. The premises licence holder shall monitor the activity of persons leaving the premises [*after xx:xx/are closed to the public*] and remind them of their public responsibilities where necessary.

#### Lighting

42. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
43. Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
44. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

#### Noxious smells

45. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.

#### Litter and waste

46. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 11pm and 8am.

#### Conditions Relating to Potentially Large or Multiple Sites

47. Noise propagation tests shall be undertaken and completed to the satisfaction of the Local Authority's Authorised Officer for all outdoor events where amplified music is employed. The sound systems shall be configured and operated in a similar manner as intended for the event. The sound sources used for the test shall be similar in character to the music likely to be produced during the event. Appropriate control limits at the sound mixer position and adjustments to sound amplification equipment as a result of the testing shall be agreed to the satisfaction of the Local Authority's Authorised Officer.
48. The premises licence holder shall not permit noise emanating from the licensed site to unreasonably disturb the persons in the neighbourhood and in any event, shall undertake an agreed noise monitoring scheme to ensure that the music noise levels shall not exceed the higher of 55LAeq, 15 min free-field for an Leq 15 min free-field equal to the background (LA90) plus 15dB(A) should not be exceeded at agreed residential properties. These levels may however be amended in the situation of significant climatic effects, in agreement with the Local Authority's Authorised Officer.

49. The premises licence holder shall undertake an agreed noise monitoring scheme to ensure that between 11 p.m. and 7 a.m. noise from the event site, which [*includes the car parks and campsites*] shall not exceed an 8 hour LAeq of 45 dB at 1 metre from the façade of noise sensitive residential properties. The premises licence holder shall comply with any noise control requirements made during the event by the Local Authority's Authorised Officer.

#### Additional Site Specific Conditions

50. No member of the public shall be allowed to come within three metres of an operational loudspeaker providing regulated entertainment.
51. The [*doors / windows*] at [*specify*] shall be fitted with [*double /secondary*] glazing in order to improve the sound attenuation of the premises.
52. A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
53. [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Local Authority's Authorised Officer.
54. An alarm shall be fitted to [*all external windows / fire doors*] which alerts staff when [*they are / it is*] opened without authorisation.
55. The specification, location and orientation of all permanently fixed speakers shall be agreed with the Licensing Authority's Authorised Officer.
56. The [*garden/patio*] must not be used by customers, except to have a cigarette, between the hours of xx.xx and yy.yy.  
**or**  
The [*garden/patio*] must not be used by no more than [*x*] customers between the hours of xx.xx and yy.yy.
57. The premises licence holder shall instruct staff to not cause unnecessary noise to nearby residents when leaving the premises.
58. The premises licence holder shall nominate a representative to receive and respond to complaints throughout the duration of any regulated entertainment. If necessary, a telephone number shall be provided for nearby residents to contact in respect of complaints about noise.
59. Regulated entertainment shall only commence on the basis that the work to [*specify area*] is completed and a sound insulation test is carried out by an appropriately qualified consultant and confirmation of the satisfactory results agreed in writing by the Licensing Authority's Authorised Officer.
60. Regulated entertainment consisting of live bands shall be limited to x occasions in any [*week/month/year*] and shall be provided by no more than x performers.



61. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
62. A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.
63. The shop front and pavement areas shall be cleaned at the close of business each day.
64. Persons permitted to leave temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
65. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

#### **Protection of Children from Harm**

66. No child under the age of xx, unaccompanied by an adult, shall be allowed in a premises after xx.xx to which the public have access after that time.
67. The premises licence holder must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen. for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
68. In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.
69. A Challenge [21/25/*or any other suitable age*] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/*or any other suitable age*] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence. No other form of identification shall be accepted unless agreed with the Licensing Authority or Leicestershire Constabulary.
70. Challenge [21/25/*or any other suitable age*] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.

71. Training will be provided for all staff before they are allowed to sell alcohol and will include Challenge [21/25/ or any other suitable age], proof of age, management conflict and refusals records. The training will be documented. The Premises Licence Holder or Designated Premises Supervisor will check that the training has been understood. The training will be repeated at least every 6 months. Records of training will be provided to Responsible Authorities and the Licensing Authority on request.
72. The Premises Licence Holder shall operate and maintain an up-to-date record of refused sales of alcohol, indicating the date, time, reason for refusal and person refusing. The record shall be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review. This information shall be made available upon request to the Licensing Authority and any other Responsible Authorities.
- or**
- If a premises has an Electronic Point of Sale system with a programme which will determine age-restricted products then upon scanning an age-restricted product, the sales assistant shall evidence the individual's age by means of asking for identification. The system shall record all challenges made, which will be checked and monitored by the Designated Premises Supervisor monthly. The record shall be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review. This information will be made available upon request to the Licensing Authority and any other Responsible Authority.
73. Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under the age of 18.
74. No alcohol shall be sold unless the container bears a label identifying the store from which it was sold.

## Appendix B

### Mandatory Conditions Applicable to all Premises Licences and Club Premises Certificates under the Licensing Act 2003

#### Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section “Children” - means persons aged under 18; and “Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

## Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:
  - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
  - (b) Be entitled to carry out activity by virtue of section 4 of the Act.
  
8. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or
  - (b) In respect of premises in relation to:
    - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
  
9. For the purposes of this section:
  - (a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.
  - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Age Verification

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

### **Permitted Price**

13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

14. For the purpose of this condition set out in paragraph 1:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
- (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where:

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)**

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Alcoholic Drink Measures**

20. The responsible person must ensure that:

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

## Appendix C

### Immigration Act 2016 - Entitlement to Work Identification Documentation

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity .

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.

- A **current** Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that

the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

evidence of the applicant's own identity – such as a passport,

evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:

- a) working e.g. employment contract, wage slips, letter from the employer,
- b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
- d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.**

If the document copied is a passport, a copy of the following pages should be provided:-

any page containing the holder's personal details including nationality;

any page containing the holder's photograph;

any page containing the holder's signature;

any page containing the date of expiry; and

any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided

## Home Office online right to work checking service

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code, provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work> which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

The applicants right to work will be checked as part of their licensing application and this could involve us checking their immigration status with the Home Office. We may otherwise share information with the Home Office. Their licence application will not be determined until they have complied with this guidance.

*Dated: July 2022 Revision Date: 2027*