



LICHFIELD DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2021 - 2026

Effective from 7th JANUARY 2021

LICHFIELD DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

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1.0 INTRODUCTION

- 1.1 The District of Lichfield is a mainly rural community of approximately 103,965 inhabitants and covering some 33,000 hectares. The district has two urban centres – the historic cathedral city of Lichfield and the historic industrial town of Burntwood. The City of Lichfield is the birthplace of Dr Samuel Johnson and home to centuries of history and heritage. It is in an idyllic setting with its magnificent mediaeval cathedral overlooking Minster Pool and its three spires, known affectionately as the 'Ladies of the Vale' dominating the skyline.
- 1.2 Bordering on Sutton Coldfield and the West Midlands Conurbation, the extensively wooded Cannock Chase, the newly created National Forest and within easy access to the national motorway network and the M6 Toll Road, it is an ideal place in which to live and work.
- 1.3 It is home to thriving leisure and arts facilities and in the centre of Lichfield is the internationally acclaimed Garrick Theatre, named after David Garrick the 18th century actor and director. Nearby Chasewater Country Park is home to a variety of water sports and the Chasewater Railway Centre whose railway line now encircles the lake. Drayton Manor Theme Park near Tamworth, boasts some of Europe's best white-knuckle rides and is set in over 280 acres of lakes and parkland, which includes a 15-acre open-plan zoo.
- 1.4 On the outskirts of Alrewas is the National Memorial Arboretum. This 150 acre site is planted with a varied selection of trees and contains over 300 dedicated memorial plots which makes the Arboretum a living tribute forever acknowledging the personal sacrifices made by the Armed Forces and civil services of this country.

2.0 THE PURPOSE AND SCOPE OF THIS POLICY

- 2.1 The Licensing Act 2003 (referred to as "the Act") provides for a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. In the Act, these activities are referred to collectively as "the licensable activities" and include:
- Retail sale of alcohol
 - Supply of alcohol by clubs
 - The supply of hot food and/or drink from any premises between 11.00 pm and 5.00 am.
 - Provision of "regulated entertainment", which includes: -
 - Performance of plays
 - Film exhibitions
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Performance of live music
 - Playing of recorded music
 - Dance performances
- 2.2 Lichfield District Council (The Council) is the local authority for the purposes of the Act and this Statement of Licensing Policy. The Licensing Authority is the unit of the Council that has specific authority for the determination of applications submitted under the Act.

- 2.3 The Act requires that the Licensing Authority publish a “Statement of Licensing Policy”, setting out the policies it will apply in the exercise of its licensing functions under the Act at least every five years.

The policy will apply in respect of new consents, reviews, renewals, transfers and variations (where applicable) to the following:

- Premises Licences
- Club Premises Certificates
- Personal Licences
- Temporary Event Notices.

- 2.4 This Statement of Licensing Policy was prepared in accordance with the provisions of the Act and, in particular:
- having regard to the Guidance issued by the Secretary of State under Section 182 of the Act; and
 - after proper consideration of responses to consultation with those authorities and representative bodies prescribed under Section 5(3) of the Act, as follows
 - ❖ The Chief Officer of Police for the area.
 - ❖ The Fire and Rescue Authority for the area.
 - ❖ The local authority’s Director of Public Health in England
 - ❖ Persons / bodies representing local holders of premises licences, club premises certificates and personal licences
 - ❖ Persons / bodies representing businesses and residents in the area.

- 2.5 The statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of five years from the date of adoption and will be reviewed and subject to further consultation before the end of the five year period.

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the policy.

- 2.6 The Council adopted the Policy on the 15 December 2020. It can be accessed on the website at www.lichfielddc.gov.uk and in hard copy from the Licensing Unit, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU, telephone 01543 308073.

3.0 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES

- 3.1 In carrying out its licensing functions, the Licensing Authority will focus primarily on the impact of licensable activities on those living, working or otherwise engaged in normal activities in the area and on promoting the four licensing objectives defined in the Act. These are:

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

The Licensing Authority recognises that each objective has equal importance and each is to be taken into account in determining an application.

3.2 The administration and enforcement of the Act will take into account other appropriate local strategies. The Licensing Authority acknowledges the importance of securing proper integration with local crime prevention strategies as well as public health, planning, transport, tourism, equality schemes and cultural strategies.

3.3 Many strategies are not directly related to the promotion of the licensing objectives, but they may impact upon them. The Council will therefore ensure that from time to time it is kept informed on issues relating to all these matters in order that they be given due consideration when carrying out the licensing function.

3.4 Applications, Notices and Representations

3.5 The Licensing Authority will return, as invalid, all notices and applications that are not submitted in accordance with the requirements of the Act or regulations made under it. It will, however, do all it can to assist applicants by responding as quickly as possible to all enquiries and by making information and appropriate forms available on its website at www.lichfielddc.gov.uk and in hard copy from the Licensing Unit, District Council Offices, Frog Lane, Lichfield, Staffordshire.

3.6 Applicants may also apply using the licensing forms available on the electronic application facility at www.gov.uk/alcohol-licensing.

3.7 The Licensing Authority will expect that the operating schedules accompanying applications for premises licences and club premises certificates will include sufficient information as to the steps proposed by applicants to promote each of the licensing objectives. In its capacity as the Licensing Authority, it will rely on the responsible authorities defined in Section 13(4) and Section 69(4) of the Act to make representations regarding any concerns they may have over the sufficiency of that information. All applications will be treated equally and on their individual merits.

3.8 The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base. The Licensing Authority will determine on its merits if any representation by any other person is frivolous or vexatious.

3.9 It will also expect that where such representations are made by any other persons and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Where such agreements are reached, the Authority after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.

3.10 Hearings and Determinations

3.11 When “relevant representations” (as defined in the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants

will be advised of all representations and all parties involved will be informed of the time and place of the hearing at least ten days before the date it will occur unless all the parties concerned agree to a shorter notice period.

- 3.12 Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under Sections 19, 20, 21, 73 and/or 74 of the Act.
- 3.13 If an application for review of an existing premises licence or club premises certificate is received in accordance with the relevant sections of the Act, the Licensing Authority will hold a hearing to consider it, whether or not representations are received. In cases when the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.
- 3.14 The Licensing Authority will take steps to reject applications, to impose or modify conditions where appropriate, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps appropriate for promoting one or more of the licensing objectives.

3.15 Conditions

- 3.16 The Licensing Authority can only regulate licensable activities at those premises and events licensed or authorised within the terms of the Act. Its licensing policy is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of those holding individual licences/certificates under the Act.
- 3.17 The Licensing Authority will only consider imposing conditions following relevant representations (except for the conditions drawn from the applicant's operating schedule since these are voluntary propositions). It will not impose conditions on its own initiative and any conditions imposed on licences/certificates issued will, therefore, relate only to those matters falling within the control of the holders of those authorisations. If no representations are received the application will be granted in the terms sought and no additional conditions will be imposed (other than those statutorily required).
- 3.18 The Licensing Authority will not impose standard blanket conditions on authorisations issued under the Act and will, as far as possible, avoid imposing disproportionate and over burdensome conditions.
- 3.19 Any conditions imposed will be tailored to the specific needs of the premises and will relate only to the licensing objectives. When imposing conditions, consideration will be given to representations and recommendations made by responsible authorities and to the conditions included in guidance issued under Section 182 of the Act.
- 3.20 Where a "saturation policy" is adopted by the Licensing Authority it may include a presumption that:
- on application for review of an existing premises licence or club premises

certificate by a responsible authority or any other person, certain specified conditions may be attached to existing licences/certificates;

- unless appropriate steps to promote the licensing objectives are included in the operating schedule accompanying any application for a premises licence or club premises certificate (or any variation of such), that application will be refused, or, certain specified conditions attached, following any relevant representations from a responsible authority or any other person.

Adoption of saturation polices are referenced in more detail in Section 5 of this policy document.

- 3.21 In order to avoid duplication with other statutory regimes, the Licensing Authority will only attach conditions regarding matters that are not already adequately covered by other legislation. Other regulatory controls are referenced in more detail in Section 4 of this policy document.

3.22 Temporary Event Notices (TENs)

- 3.23 The Act provides for certain occasions when licensable activities at small scale events (subject to meeting certain criteria and within statutory limits) do not need a licence but do need to provide advance notice to the Police, the local authority exercising environmental health functions (EHA) and the Licensing Authority.

- 3.24 There are two types of TEN: a standard TEN and a late TEN. These are subject to different notice periods: a standard TEN is given no later than ten working days before the event to which it relates and a late TEN is given not before nine and not later than five working days before an event.

Unless served electronically via the GOV.UK facility copies of all notices are to be given by the premises user to the following:

- Staffordshire Police Licensing, Early Intervention and Prevention Unit, Block 9 Ground Floor, Weston Road, Staffordshire ST18 0YY,
- **EHA: Health, Housing and Environmental Protection, Lichfield District Council, Frog Lane, Lichfield, WS13 6ZE**

If a TEN is given electronically via GOV.UK the licensing authority will notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.

A working day is classed as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales. N.B. When calculating the required notice period the day on which the event is to take place and the day the notice is received by the authority/EHA/police are to be excluded.

- 3.25 The police or EHA may intervene to prevent such events taking place within three working days from when they are given the notice – if the event is likely to undermine any of the licensing objectives - by sending an objection to the licensing authority. Where a standard TEN has been given the licensing

authority will organise a hearing to consider the evidence and may decide that an event cannot proceed. Where a late TEN has been given a counter notice will be given by the licensing authority meaning that the event will not be allowed to proceed.

The police or EHA may also intervene by agreeing a modification of the proposed arrangements directly with the TENs premises user. In certain circumstances, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate from which the conditions will be replicated.

- 3.26 The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.

Further guidance can be obtained at www.gov.uk/alcohol-licensing

3.27 Personal Licences

- 3.28 Personal licences allow an individual to sell alcohol on behalf of any business that has a premises licence or club premises certificate.

Any person may make an application for a personal licence to their local licensing authority in whose area they live, whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

- 3.29 The Licensing Authority will grant a personal licence providing the following criteria is met:

- The applicant is over 18 years of age.
- The required fee accompanies the application.
- The applicant possesses a relevant licensing qualification.
- The applicant has not forfeited a personal licence in the previous 5 years.
- The applicant has not been convicted of any relevant offence, or foreign offence as defined in the Licensing Act 2003.
- The Police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence.
- The application has been submitted correctly.

- 3.30 Personal licences no longer expire at the end of a ten year period so do not need to be renewed.

- 3.31 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, applicants will be required to produce a basic disclosure certificate from the Criminal Records Bureau. The Licensing Authority will consult with the Police regarding any relevant offences or foreign offences as listed in Schedule 4 of the Act.

- 3.32 A relevant offence or foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

- 3.33 The Licensing Authority will liaise with the Police when an applicant is found to have an unspent conviction and if the Police make a representation to an application the matter will be referred to the Licensing and Consents Appeals Sub-Committee for a hearing.
- 3.35 The refusal of the application will be the normal course unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify the granting of the application.
- 3.36 The Licensing Authority of Lichfield District Council will be the 'relevant authority' for all personal licences they issue regardless of the subsequent place of residence of the licence holder.
- 3.37 Where a personal licence holder is convicted by a court of a relevant offence, the Court will advise the Licensing Authority accordingly. On receipt of such notification the Licensing Authority will contact the licence holder within 14 days requesting the return of the licence so that the necessary action can be taken.
- 3.38 The holder of the personal licence has a duty to inform the Licensing Authority of a new relevant conviction and/or any change in name or address.

3.39 Designated Premises Supervisor

- 3.40 A designated premises supervisor (DPS) is the person identified as such for a particular premises and who is named on the premises licence as being responsible for the authorisation of all alcohol sales made. Any premises where alcohol is supplied under a premises licence must have a DPS. However, certain community premises may apply for an alternative condition which means that a committee or board of individuals will have responsibility for alcohol sales, rather than an individual DPS.

The main purpose is to ensure that there is always one specified individual who can be readily identified as having key responsibilities at the premises and who is in day to day charge of running the business.

- 3.41 The premises licence will specify the name of the designated premises supervisor, where the alternative condition is not in effect, and it is the responsibility of the premises licence holder to notify the Licensing Authority immediately of any change of designated premises supervisor (unless the DPS has already notified the Licensing Authority).

3.42 Working with Partners

- 3.43 The Licensing Authority has determined this Statement of Licensing Policy with a view to promoting the licensing objectives, and in so doing, it recognises that the licensing function is only one means of securing those objectives. Licensing is not seen as a panacea for solving all problems within the community and the Licensing Authority will, therefore, continue to work in partnership with other agencies and the community, to deliver the aims and objectives identified in the Council's Strategic Plan.

3.44 Right of Individuals

3.45 This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits.

3.46 Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

4.0 INTEGRATING OTHER REGULATORY CONTROLS

4.1 There are a number of other strategic, legal and statutory controls that may affect the Licensing Authority's function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

4.2 Planning and Building Control

4.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

Licensing decisions will take into account any relevant planning decisions made by the Council's Planning Committee or made as a result of appeal although are not bound by decisions made by them, and vice versa.

4.4 Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications. It should be noted, however, that there is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

4.5 The local planning authority is a "responsible authority" and the Council's Strategic Director of Democratic, Development and Legal Services representing that authority, will be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by the planning authority when planning permission or building regulation approval is required and, where necessary, enable representations to be made to the Licensing Authority.

4.6 Health & Safety

4.7 The licensing objective for public safety overlaps with health and safety requirements, which are enforced under the Health and Safety at Work etc. Act 1974 by either the Council or the Health & Safety Executive.

4.8 In the majority of cases health and safety requirements will not form part of the

conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. Where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety for certain types of entertainment, however, those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

- 4.9 The enforcing authorities within the meaning of Section 18 of the Health and Safety at Work etc. Act 1974 are “responsible authorities” as defined under the Act. The Council’s Strategic Director of Community, Housing and Health and the Health and Safety Executive, representing those authorities will, therefore, be notified of all applications relating to premises licences and club premises certificates that fall within their enforcement responsibility. This will enable the appropriate action to be taken by those enforcing authorities where health and safety requirements are an issue and, where necessary, enable representations to be made to the Licensing Authority.

4.10 Fire Safety

- 4.11 The Licensing Authority will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

- 4.12 The fire authority is a “responsible authority” and Staffordshire Fire and Rescue Service, representing that authority, will be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by that authority where fire safety requirements are an issue and, where necessary, enable representations to be made to the Licensing Authority.

4.13 Noise and other Public Nuisance

- 4.14 The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced in Lichfield by this Council under the Environmental Protection Act 1990. Powers under the Act are also available to the Police and, under the Anti-Social Behaviour Act 2003, to environmental health officers to secure the closure of licensed premises causing a public nuisance because of noise. The Clean Neighbourhoods and Environment Act 2005 also provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11pm and 7am.

In the majority of cases, controls to prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. Where it is considered that there is potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) at certain types of entertainment and statutory provisions do not provide for adequate protection those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

4.15 The local authority having statutory functions for minimising or preventing the risk of pollution of the environment or of harm to human health is a “responsible authority” as defined under the Act. The Council’s Strategic Director of Community, Housing and Health, representing that authority will, therefore, be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by the enforcing authority where pollution and public health requirements are an issue and, where necessary, enable representations to be made to the Council in its capacity as the Licensing Authority.

4.16 Public Health

4.17 Health bodies have been responsible authorities under the Act since April 2013 and health functions are now exercised by local authorities via the Director of Public Health. Although public health is not a licensing objective, health bodies hold certain information which other responsible bodies do not, but which would assist the Authority in carrying out its licensing functions. Therefore the Council will seek to work with partners and operators wherever possible to achieve better local health outcomes.

The Director of Public Health will be notified of all applications relating to premises licences and club premises certificates and, where necessary, enable representations to be made to the Licensing Authority.

4.18 Promotion of Equality

4.19 The Council’s Corporate Equality Policy recognises that discrimination can take many forms and arise as a consequence of:

- age
- race, colour, national or ethnic origin
- disability
- religion or belief (including non belief)
- gender (including transgender)
- marital status (including civil partnership)
- sexual orientation
- pregnancy and maternity.

4.20 This Policy will take account of the principles established by the Corporate Equality Plan and seek to ensure that unlawful discrimination will be eliminated and equality of opportunity and good relations between people of different identifiable groups promoted.

4.21 The Policy will have regard to the relevant legislation including The Equality Act 2010 and the Council’s Corporate Equality Statement available on the website at www.lichfielddc.gov.uk.

4.22 This Policy recognises that in exercising the licensing function there is the potential for direct and indirect discrimination. Monitoring systems will therefore be established to seek to ensure that the needs of the community are addressed and that policy implementation does not lead to detrimental impact. This policy has been subject to an Equality Impact Assessment.

4.23 Crime Prevention

- 4.24 Under the Crime and Disorder Act 1998, and in particular Section 17 of the Act local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. The Licensing Authority will have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.
- 4.25 The Chief Officer of Police for the area is a “responsible authority” defined under the Act. Staffordshire Police will, therefore, be notified of all applications and notices given under the Act. Their representations regarding the crime prevention objective and, where appropriate any of the other licensing objectives, will be taken into consideration by the Licensing Authority in responding to notices and determining such applications.

4.26 Children

- 4.27 The licensing authority is committed to protecting children from harm and views this as an important licensing objective. The Council’s licensing team works with Children’s Services during the development of licensing policy where the protection of children is concerned. Intelligence sharing and the exchange of current strategy developed by Staffordshire and Stoke on Trent Safeguarding Children’s Boards ensure that the protection of children from harm remains key.

The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key ‘parental factors’ in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

Staffordshire and Stoke on Trent Safeguarding Children Board’s work with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The Children’s Board can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

The Licensing Authority encourages license holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and

- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

Staffordshire and Stoke on Trent Safeguarding Children Board's provide local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:

<http://www.safeguardingchildren.stoke.gov.uk/ccm/portal/>

<http://www.youthbox.info/HelpAdvice/StaySafe/Stay-Safe.aspx>

4.28 Human Trafficking / Modern Slavery

4.29 Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is possible to be a victim of trafficking even if your consent has been given to being moved. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within your own country.

Victims are often trafficked for sexual exploitation, forced labour or domestic servitude. Victims of Human Trafficking could be used to work in restaurants, fast food establishments and other licensed establishments.

The licensing authority is committed to deterring and combatting such criminal activity. The licensing authority will work with Staffordshire Police and other partner agencies to gather and share intelligence to identify, tackle and deter such activity.

4.30 The Licensing Authority as a Responsible Authority

4.31 The Licensing Authority will determine when it considers it appropriate to act in its capacity as a responsible authority, in accordance with its duties under section 4 of the Act, namely with a view to promoting the licensing objectives and having regard to this policy and the guidance issued under Section 182.

4.32 The Authority will not normally make representations or request a review of a licence when other responsible authorities should intervene as the basis for the intervention falls within their remit.

4.33 The Licensing Authority is not normally expected to act as a responsible authority on behalf of other parties such as local residents, local councilors or community groups.

4.34 Entertainment provision

4.35 The Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of the local community.

4.36 The Licensing Authority is aware of the need to carefully balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural

benefits, particularly those for children.

- 4.37 Where appropriate, in determining what conditions should be attached to licences and certificates the Licensing Authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. Only those conditions appropriate, proportionate and reasonable will be imposed on licences/certificates granted under the Act.

4.38 Adult Entertainment

- 4.39 An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc. then a separate Sexual Entertainment Venues (SEV) Licence will also be required. Please see our policy in relation to this available on our website at www.lichfielddc.gov.uk or by contacting the Community, Housing and Health department on 01543 308729.

5.0 CUMULATIVE IMPACT OF LICENSED PREMISES

- 5.1 The commercial demand or “need” for particular types of licensed premises is a matter for the market to decide. It is not a matter for consideration as part of the functions of the Licensing Authority.
- 5.2 The cumulative impact on the licensing objectives of premises and events licensed or authorised under the Act is, however, a matter that the Licensing Authority can take into account when determining applications under the Act.
- 5.3 The Licensing Authority will consider representations (from any responsible authority or any other persons) on applications relating to new premises licences and club premises certificates or for material variations of existing licences/certificates, on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 5.4 There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential for negative cumulative impact posed by a proliferation of licensed/certificated premises. These include:
- Planning controls
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council.
 - Provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols.
 - Designation of parts of the District as places where the Police have powers to require persons not to drink alcohol in that place or to surrender any alcohol in their possession.
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
 - Prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk.

- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a public nuisance.
 - Powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance.
 - Local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury.
 - The right of responsible authorities or any other person to seek reviews of premises licences and club premises certificates.
- 5.5 Where representations regarding cumulative impact are upheld, or, reports from any of the responsible authorities indicate any of the licensing objectives are compromised, or are likely to be compromised, through the cumulative impact of a significant number of licensed premises in one area, the Licensing Authority will consider adopting a “saturation policy”. Where any such policy applies, applications for new premises licences or club premises certificates or for material variations of those licences/certificates would normally be refused, or, certain specific conditions would be attached to such licences/certificates.
- 5.6 Where a saturation policy is adopted, the Licensing Authority will, whenever it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities or any other person:
- refuse applications relating to premises licences and club premises certificates that it concludes, after hearing those representations, should lead to refusal; or
 - attach conditions to premises licences and club premises certificates that it concludes, after hearing those representations, should be attached to promote the licensing objectives.

Applicants, therefore, need to address any saturation policy issues in their operating schedules in order to rebut the presumption that applications for new licences/certificates or for material variations would normally be refused.

Where no relevant representations are received the application will be granted in accordance with paragraph 3.12 above.

- 5.7 Where a saturation policy is adopted and a valid application for review of an existing premises licence or club premises certificate is received from a responsible authority or any other person in accordance with Section 52(1) or Section 88(1) of the Act, the Licensing Authority will impose those conditions it considers appropriate to promote the licensing objectives.
- 5.8 Representations from responsible authorities or any other persons, and reports from those responsible authorities on negative cumulative impact will be expected to:
- identify the boundaries of the area within which it is alleged problems are arising;
 - provide full details and evidence as to the seriousness of the nuisance and/or disorder caused in the area;
 - identify the licensable activities causing the nuisance and/or disorder;

- identify the licensing objective(s) which it is alleged will be undermined.

Where representations are made, the licensing objectives, which it is alleged will be undermined, should be identified with specific regard to:

- the occupancy figure for the proposed premises;
- the nature of the licensed activity to be carried on at the premises;
- the patrons of the premises

The onus will be on the objector to provide evidence that additional licences or the variation of an existing licence will produce the cumulative impact claimed.

5.9 A saturation policy will only be adopted by the Licensing Authority after it has considered the available evidence and consulted those individuals and organisations listed in Section 5(3) of the Act. Any saturation policy will take the form of a formal, published amendment to this Statement of Licensing Policy and will be reviewed regularly.

5.10 Saturation policies will not be used to justify:

- revocation of existing licences or certificates;
- rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly appropriate for the promotion of the licensing objectives;
- provisions for fixing terminal hours of operation over any particular area;
- imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits.

5.11 Staffordshire Police identified Bird Street as a part of the centre of Lichfield where they have concerns over the licensing objectives being comprised. As a responsible authority defined under the Act, they made a formal submission in support of a Cumulative Impact Proposal. This was adopted and published as an amendment to this Policy in July 2005, was reviewed prior to the publishing of this policy and will thereafter be kept under continuous review.

Staffordshire Police made a further submission in support of extending the area covered by the saturation policy to include Market Street, Lichfield. This was adopted and published as an amendment to this Policy on 24th February 2009.

5.12 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, to be granted.

6.0 LICENSING HOURS

6.1 The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. It will not, therefore, seek to impose fixed trading hours within any designated area, but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or any

other persons, regarding those applications.

- 6.2 If necessary, stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in some circumstances where, having regard to the location, size and nature of the licensed premises, it is possible that disturbance may be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (i.e. 11.00pm to 7.00am).
- 6.3 With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations received from any responsible authority or any other person, regarding any of the licensing objectives being compromised, are substantiated. However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

7.0 THE LICENSING OBJECTIVES

- 7.1 Paragraph 3.1 of this policy outlines the four licensing objectives that are paramount considerations at all times.
- 7.2 The following four sections of this policy provide further information in respect of the four licensing objectives, and should not be construed by applicants as requirements.
- 7.3 The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to consider what to include within their operating schedule in regards to how they will promote the four licensing objectives.
- 7.4 The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule.
- 7.5 The lists of possible control measures that are outlined in the following sections are not to be regarded as absolute requirements or as "check lists" and will not be used by the Licensing Authority to create standard conditions. They are examples only and it is recognised that some of the examples given do not easily translate into conditions on licences although they may be considered as good practice.**

8.0 PREVENTION OF CRIME AND DISORDER

- 8.1 Lichfield District Council is committed to reducing crime and disorder and improving community safety in the district of Lichfield.
- 8.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Lichfield District Council, Staffordshire Police, Staffordshire County Council and others

to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.

- 8.3 Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Lichfield Community Safety Partnership or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the District, it will consider adopting a "saturation policy". (Adoption of saturation policies is referenced in more detail in section 5.0 of this policy document).
- 8.4 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder.
- 8.5 The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes that will raise their awareness of the issues relating to drugs and violence in licensed premises. For this reason, these elements if relevant could be specifically considered and addressed within an applicant's operating schedule.
- 8.6 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues could then be included within the applicant's operating schedule.
- 8.7 Applicants may wish to consider the following matters if relevant to their particular type of premises and/or activities. (This list is not exhaustive):
- underage drinking;
 - drunkenness on premises;
 - public drunkenness;
 - drugs;
 - violent behaviour;
 - antisocial behaviour;
 - any evidence that can be provided to demonstrate effective and responsible management of premises by the person in charge;
 - training and supervision of staff with particular regard to crime prevention measures appropriate to the premises concerned;
 - the layout and design of the premises particularly those premises used primarily or exclusively for the sale and consumption of alcohol and have little or no seating (known as high volume vertical drinking establishments);
 - use of text/radio pagers to ensure fast and effective communication

- between persons in the premises and others for example the Police;
- adoption of best practice guidance (The BBPA has a range of advice and support for publicans on its website at www.beerandpub.com);
- acceptance of accredited 'proof of age' cards such as the proof of age schemes which carry the PASS (Proof of Age Standard Scheme) hologram logo, any locally approved 'proof of age' cards and/or 'new type' driving licences with photographs;
- provision of effective CCTV in and around premises;
- provision of toughened or plastic drinking vessels;
- use of end of evening wind down procedures;
- measures to prevent the use or supply of illegal drugs, for example, search procedures, amnesty boxes;
- provision of litter bins and other security measures, such as lighting, outside premises;
- membership of local 'Pub-watch' schemes or similar organisations.

8.8 Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

8.9 Certain temporary events are required to be licensed and can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, the EHA and the Licensing Authority to work with them to identify and reduce the risk of undermining any of the licensing objectives.

8.10 Security Operatives

8.11 The Licensing Authority may consider that certain premises require strict supervision for the purpose of the promotion of the licensing objectives. However the Licensing Authority can only consider applying stricter conditions in these circumstances if relevant representations are received. In such cases the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times or at such times that certain licensable activities are taking place.

8.12 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA) and to display their identification as issued

9.0 PUBLIC SAFETY

9.1 The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants

against these risks as far as is practicable.

- 9.2 There are a wide range of statutory requirements as detailed in section 4.0 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.
- 9.3 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) that is not covered by existing legislation, the applicant should indicate in their operating schedule the steps that will be taken to ensure public safety.
- 9.4 The capacity of a premises is a legitimate public safety issue and applicants may wish to volunteer information relevant to this (although it is not a requirement under the Act). However, if a capacity limit has been set on safety grounds through some other regulatory regime, then it would not be duplicated on a licence/certificate. Capacity limits may also be a relevant consideration where the use to which a premises is put changes during its opening hours or operation. Clearly the safe capacity will be different depending upon, amongst other things, the type of event (i.e. televised football or sport) and the means of accommodating the audience (i.e. closed seating or standing).
- 9.5 The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer of the Staffordshire Fire and Rescue Authority, after having regard to any guidance issued by the Secretary of State if considered appropriate to meet the public safety licensing objective.
- 9.6 Guidance with regards to fire safety as part of an application for a premises licence is available from Staffordshire Fire and Rescue Service on their website at www.staffordshirefire.gov.uk

9.7 General Considerations

- 9.8 Applicants may need to consider the following measures if relevant to their particular type of premises and/or activities (this list is not exhaustive):
- the nature of the premises or event;
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing;
 - the provision or removal of such items as temporary structures, such as a stage, or furniture;
 - the age of the customers;
 - steps to ensure or propose effective and responsible management of premises;
 - steps to ensure the provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
 - steps to ensure the provision of effective CCTV in and around premises;
 - the provision of toughened or plastic drinking vessels.

10.0 PREVENTION OF PUBLIC NUISANCE

- 10.1 Licensed premises have a significant potential to adversely impact on

communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

- 10.2 The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 10.3 There are a number of statutory controls available to deal with nuisance issues as outlined in section 4.0.
- 10.4 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues could then be included within the applicant's operating schedule.
- 10.5 Applicants may need to consider the following measures if relevant to their particular type of premises and/or activities (this list is not exhaustive):
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
 - steps taken or proposed to ensure effective and responsible management of the premises;
 - measures to ensure appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
 - the measures taken or proposed to prevent noise and/or vibration from escaping from the premises. This may include music, noise from ventilation systems and the human voices;
 - measures taken or proposed to prevent disturbance by customers leaving the premises, particularly between 11:00pm and 7:00am;
 - control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries;
 - the occupancy capacity of the premises;
 - steps taken to ensure or propose the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices where appropriate;
 - steps taken or proposed to ensure effective management of people, including staff, customers and traffic (and resulting queues) arriving and leaving premises;
 - the provision of any special measures to be implemented in premises in close proximity to sensitive premises such as hospitals, nursing homes, hospices or places of worship;
 - siting of external lighting, including security lighting;
 - steps taken to ensure effective management arrangements for collection and disposal of litter;

- effective ventilation systems to prevent nuisance from odour.
- 10.6 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas where relevant representations have been received.

11.0 PROTECTION OF CHILDREN FROM HARM

- 11.1 The Licensing Authority will have regard to the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or any other person and it is considered appropriate to impose limitations for the prevention of physical, moral or psychological harm to children.
- 11.2 The Licensing Authority recognises Staffordshire County Council, through both its Directorate for Children and Lifelong Learning and Trading Standards department, as bodies representing those responsible for, or interested in, matters relating to the protection of children from harm and competent to advise it on such matters. They are, therefore, responsible authorities for the purposes of Section 13(4) and Section 69(4) of the Act.
- 11.3 The premises that will give rise to particular concern regarding the protection of children from harm will include those:
- where entertainment or services of an adult or sexual nature are provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for under age drinking;
 - with a known association with drug taking or dealing;
 - with a known association with prostitution;
 - where there is a strong element of gambling on the premises, (the presence of cash prize gaming machines on the premises does not constitute substantial gambling);
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.
- 11.4 Limitations on access by children imposed by the Licensing Authority, following representations received from a responsible authority or any other person, may include any or a combination of the following:
- limitations on the hours when children may be present;
 - exclusion of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (under 18);
 - requirements for accompanying adults;
 - full exclusion of those under 18 years of age from the premises when any licensable activities are taking place.

- 11.5 The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British Board of Film Classification was the only body so designated). It will also be expected that operating schedules accompanying applications relating to activities involving film exhibitions, will include details of the arrangements proposed for preventing children from viewing age restricted films.
- 11.6 Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities; in particular, Staffordshire County Council through its Corporate Director (Children and Lifelong Learning) and Staffordshire Fire and Rescue Service
- 11.7 Staffordshire County Council, as the body responsible for matters relating to the protection of children from harm and Staffordshire Fire and Rescue Services as the fire authority, are “responsible authorities” for the purposes of the Act. Applicants will be required to give notice of applications for premises licences and club premises certificates or for variations of existing licences/certificates to those authorities, who may make representations to the Licensing Authority on those applications, or request a review of any existing licence/certificate.
- 11.8 The Act makes it an offence to permit a child under the age of 16 who is not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. It is also an offence to permit the presence of a child under 16 who is not accompanied by an adult between the hours of midnight and 5.00am at any other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club registration certificate or temporary event notice.
- 11.9 The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.

12.0 ENFORCEMENT OF LICENCE REQUIREMENTS AND CONDITIONS

- 12.1 The Act does not require the inspection of premises or events licensed or authorised under the Act, save at the discretion of those charged with this role. The Licensing Authority will not undertake routine premises inspections, other than in conjunction with its occupational health and safety enforcement responsibilities, but will follow the principles of risk assessment in targeting inspections at high risk and problem activities, as and when judged necessary.

12.2 Inspections and investigations of complaints regarding premises licensed or authorised under the Act and the enforcement of licensing conditions will be undertaken in accordance with protocols agreed between the Council through its Environmental Health Services Section, Staffordshire Police, Staffordshire Fire and Rescue Service, Staffordshire County Council (through its Corporate Director (Children and Lifelong Learning) and other agencies authorised under Section 154, or, authorising those persons described in Section 13(2) and Section 69(2) of the Act.

12.3 All enforcement undertaken by the Council will be in accordance with its published Enforcement Policy, details of which can be accessed on the Council's website at <https://www.lichfielddc.gov.uk/Residents/Environment/Environmental-health/Food-safety/Downloads/Enforcement-policy.pdf>

13.0 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS

13.1 In accordance with the requirements of the Act, the Council's licensing functions, except those relating to the adoption of its licensing policy, will be discharged by its Regulatory & Licensing Committee.

13.2 To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Council's Regulatory & Licensing Committee will delegate those functions to sub-committees, each of which will comprise three members of the Regulatory & Licensing Committee.

13.3 Many of the Regulatory & Licensing Committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to the Licensing Manager or their Deputy.

13.4 The Council's Regulatory & Licensing Committee will receive regular reports on decisions made by Officers and its sub-committee so that it maintains an overview of the general licensing situation in the District.

13.5 The scheme of delegation adopted by the Council's Regulatory & Licensing Committee and ratified by Full Council is as follows:

Matter to be dealt with	Delegated to Sub Committees	Delegated to Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made.

Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation		All cases
Application to vary designated premises supervisor.	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for the mandatory alcohol condition for a DPS to be disappled for community premises	If a police objection	If no objection made
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police or EHA objection to a temporary event notice	All cases	

14.0 CONCLUSIONS.

14.1 This is the fourth policy produced by the Licensing Authority under the provisions of the Licensing Act 2003 and it will therefore form the basis for considering all applications for licences under this legislation with effect from 7th January 2016.

14.2 In producing this Statement of Licensing Policy the Licensing Authority is aware that the Government may from time to time amend the Licensing Act 2003, subordinate legislation and statutory guidance.

The Council does not intend to revise this policy document because of each and any such amendments and readers of this document are advised to check on the Home Office / GOV.UK websites to ensure they have the latest information.

14.3 Any matters which it is felt should be considered by the Council in reviewing their policy must be submitted in writing to the **Licensing & Electoral Services Manager, Lichfield District Council; Frog Lane, Lichfield, Staffordshire, WS13 6YU** or by email to licensing@lichfielddc.gov.uk.

Lichfield District Council – Saturation Policy

This policy applies to the following roads ('the special saturation area'):

- (1) Bird Street up to the junction with Swan Road, Lichfield and**
- (2) Market Street from its junction with Bird Street to its junction with the Market Place, Lichfield**

The Licensing Authority is aware of the link between an increase in licensed premises within the city centre and the rise in the number of violent crimes, and anti-social behaviour, over more than five years.

As a consequence of the number of late-night premises within the city, the Licensing Authority and the Police have adopted many special measures to deal with the resulting crime and anti-social behaviour. These have included additional police resources at times of peak demand; the introduction of CCTV in the city centre; employing enforcement officers; and playing a full part in supporting a City Centre Pubwatch scheme. Despite these, the measure of violent crime within the city centre at the peak hours of between 22:00 and 03:00 hrs has continued to rise.

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998, and an improvement in local amenity through the reduction of anti-social behaviour.

Accordingly, the Licensing Authority is adopting a special saturation policy. Where relevant representations have been received about applications within the special saturation area, it will consider whether to refuse the application if it appears that the application is likely to add to the existing problems of crime and disorder in the area, or if public nuisance is more likely than not to be caused.

As part of this policy, the licensing committee will not consider whether or not there is a *need* for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact a new premises licensed to sell alcohol would have on the special saturation area.

Notwithstanding this policy, the Licensing Authority is under a legal duty under the Act to grant applications where there are no relevant representations. In circumstances where no representations have been received, a licence application will be granted. It is also open for applicants to demonstrate to the Licensing Authority that their application will not add to the existing cumulative problems of crime, disorder and nuisance within the special saturation area.

Exceptions to the Special Saturation Policy

In general, the Licensing Authority wants to encourage "family friendly" entertainment in the city centre and discourage anti-social behaviour especially that associated with excessive alcohol consumption.

Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:

- (1) the applicant can demonstrate that the only activity in the premises will not be the consumption of alcohol. This may be evidenced by the general nature of the business activity e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and/or
- (2) the applicant can demonstrate that the general age profile of customers will be 25+ and/or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions

In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.

If an exception is made to this Special Saturation Policy, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.

Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the policy include:

- (1) That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.
- (2) That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
- (3) The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by persons in the vicinity of the special saturation area.