Lichfield District Council

Licensing Act 2003
Statement of Licensing Policy
2026 - 2031

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1. INTRODUCTION

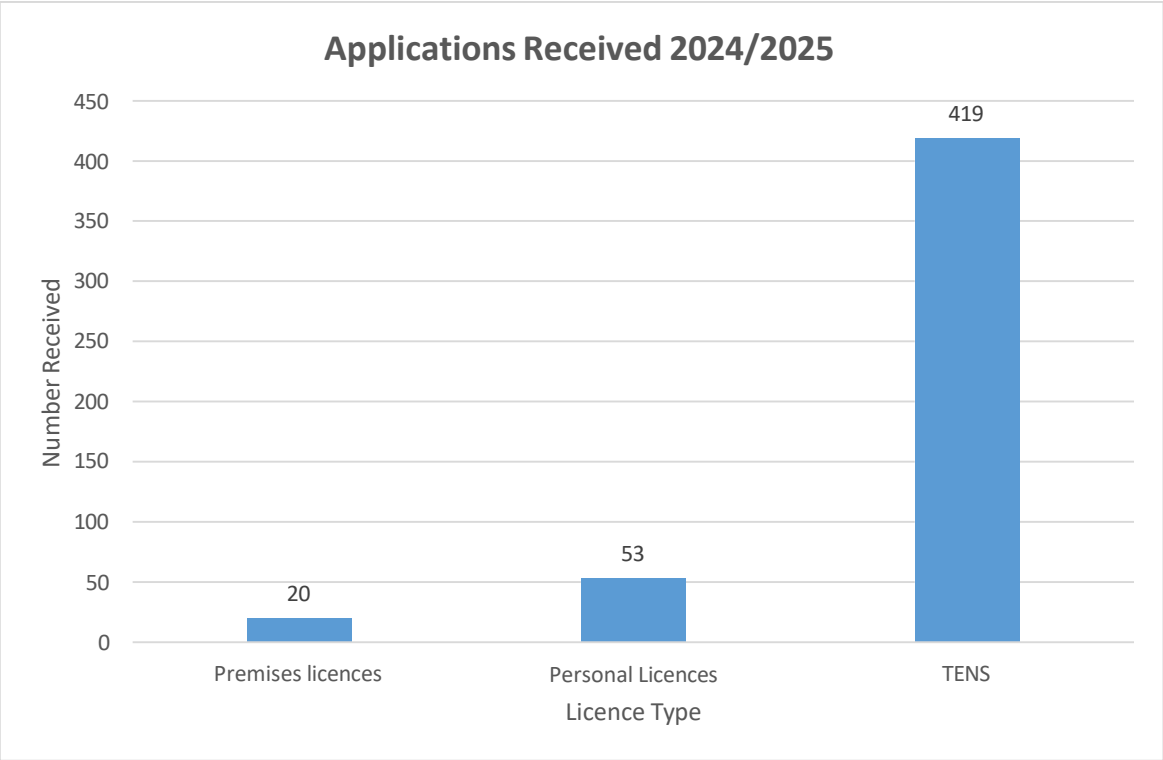
The District of Lichfield is a mainly rural community of just over 106,000 inhabitants and covering some 33,000 hectares. The district has two urban centres – the historic cathedral city of Lichfield and the historic industrial town of Burntwood. The City of Lichfield is the birthplace of Dr Samuel Johnson 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.

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, it is an ideal place in which to live and work.

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.

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 civilian organisations of this country.

There are currently 442 premises of different types licensed to sell alcohol in the District.



Alcohol premises' licensing can play an important part in tackling alcohol related harm. This is an area of concern for Lichfield District, with the rate of alcohol related hospital admissions higher

than the England average and significantly higher for females (Alcohol Profile - Data | Fingertips | Department of Health and Social Care).

Other indicators are more in line with national averages, but it is important to be aware that alcohol can cause problems across the social scale and can dovetail with other health issues such as pre-existing health conditions, poor diet, physical inactivity, drug abuse, and smoking to exacerbate poor health outcomes.

This policy plays an important part in balancing the economic and social benefit that a vibrant nightlife brings to the district with the potential harms that can arise from significant alcohol consumption.

2. PURPOSE OF POLICY

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
- Provision of late-night refreshment (supply of hot food and/or drink between 11.00 pm and 5.00 am, for consumption on or off the premises)
- Provision of "regulated entertainment", which includes: -
    - a performance of a play
    - an exhibition of a film
    - an indoor sporting event
    - boxing or wrestling entertainment
    - a performance of live music
    - any playing of recorded music
    - a performance of dance
    - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

Lichfield District Council ("the council") is the Licensing Authority for the purposes of the Act and this statement of licensing policy. This function is delivered by the licensing element of the Environment and Community Protection Service, where the authority to determine applications sits.

Section 5 of the Act requires a licensing authority to determine and publish a policy of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the Act.

In developing this policy, the council has carried out an extensive consultation in accordance with guidance issued by the Secretary of State. Before determining its policy, the council is required to consult with persons specified in Section 5(3) of the Act:

- The Chief Officer of Police for the area.
- The Fire and Rescue Authority for the area.
- The Director of Public Health
- Persons / bodies representing local holders of premises licences, club premises certificates and personal licences

- Persons / bodies representing businesses and residents in the area

This statement of licensing policy was prepared in accordance with:

- The requirements of the Act
- The guidance issued by the Secretary of State under Section 182 of the Act
- The council's responsibilities under Section 17 of the Crime and Disorder Act 1998
- Following proper consideration of responses to the consultation

The policy will be used by the council 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 policy, the council will keep the operation of the policy under review and make appropriate revisions to ensure the effectiveness of the policy.

This policy is available at on our website and via:

Licensing Team
Environment and Community Protection Service
Lichfield District Council
District Council House
Frog Lane
Lichfield
WS13 6YY

3. SCOPE OF POLICY & FUNDAMENTAL PRINCIPLES

The policy will apply in respect of new applications, grants, notices and notifications (where applicable) for the following:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices

In carrying out its licensing functions, the council 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 council recognises that each objective has equal importance and each is to be considered in determining an application.

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

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

RIGHTS OF INDIVIDUALS

This policy sets out the general approach this council 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.

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.

APPLICATIONS

The council requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act, are made in accordance with the Act and statutory guidance. All such applications must be accompanied by the appropriate fee, where applicable, to be deemed duly made. The council 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 online and in hard copy.

Applicants may also apply using the licensing forms available on the electronic application facility at gov.uk

The council will expect that the operating schedule accompanying any application 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. Operating schedules and conditions should address national and local concerns, which may include issues such as drink spiking, irresponsible promotions, alcohol related violence and binge drinking. 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.

Applicants are legally obliged to give notice of their application in two ways:

- By displaying an A4 blue notice at the premises for a period of 28 days, and
- Placing a notice in a local newspaper.

Each notice must clearly state the nature of the application, date by which representations must be made, where the application can be viewed in full and where representations must be sent. This will ensure that all those who have rights under the Act and may be affected by an application, can make a representation.

REPRESENTATIONS

The council will expect representations on applications relating to licensable activities under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by evidence. The council will determine on its merits if any representation by any other person is frivolous or vexatious.

It will also expect that where such representations are made by any other persons and 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 council, after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.

HEARINGS AND DETERMINATIONS

When "relevant representations" (as defined in the Act) are received, the council 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.

Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the council 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.

If an application for review of an existing premises licence or club premises certificate is received in accordance with the Act, the council will hold a hearing to consider it, whether 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.

The council 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.

The council will give its decision, usually at the conclusion of the hearing, and detail the grounds for it. Notification of the decision will be accompanied by the information on the right and process for any party to appeal against the council's decision.

REVIEWS

The ability to review premises licences or club premises certificates provides a key protection for the community where the licensing objectives are being undermined.

At any stage, following the grant of a premises licence or a club premises certificate, a responsible authority or any other person, may ask the council to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

The licensing committee must, under section 52(4) of the Act, have full regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives namely.

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the premises
- to remove the Designated Premises Supervisor
- to suspend the licence for a period not exceeding 3 months
- to revoke the licence

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder, or both. The summary review process, set out

under sections 53A-53D of the Act, allows interim conditions to be quickly attached to a licence and a fast-track licence review.

The powers apply only where a premises licence authorises the sale of alcohol. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken.

Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the closure of premises by the police or the council where they are associated with nuisance or disorder. The consequent review of premises licences by the council is provided for by section 167 of the Licensing At 2003.

CONDITIONS

The council 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 a licence or certificates under the Act.

The council 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 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.

The council will not impose standard blanket conditions on authorisations issued under the Act and will, as far as possible, avoid imposing disproportionate and overly burdensome conditions.

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.

Where a "saturation policy" is adopted by the council 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 12** of this policy document.

In order to avoid duplication with other statutory regimes, the council 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.

FILLING STATIONS/GARAGES

Section 176 of the Act prohibits the sale or supply of alcohol at motorway service areas (MSA's) and garage forecourts. The government may, by order, alter the description of premises from which alcohol may be sold.

The Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly, where proper facilities are provided in the form of a shop at a garage, the council does not propose to preclude sales of alcohol within the range of goods available

The council will not apply a general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale. The council will deal with applications related to garages on a case-by-case basis to establish that the premises are not primarily used as a filling station.

When dealing with applications related to garages, applicants will be required to prove that the intensity of use by customers purchasing non-fuel products and services exceeds the intensity of use by customers purchasing only fuel products. This may be evidenced by data of customers according to usage, or by sales figures classified according to purchases.

WHOLESALE OF ALCOHOL

Businesses that sell alcohol, such as 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 be prosecution and their alcohol stock may be seized.

Any trader who buys alcohol from a wholesaler for onward sale to the 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. Further information may be found here.

MOBILE, REMOTE, INTERNET AND OTHER DELIVERY SALES

The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and dispatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

Persons who run premises providing 'alcohol delivery services' should notify the council that they are operating such a service in their operating schedule. This ensures that the council can properly consider what conditions are appropriate. Premises with an existing premises licence, that choose to operate such a service in addition to their existing licensable activities, should contact the

council for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

DESIGNATED PREMISES SUPERVISOR

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.

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.

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 council immediately of any change of designated premises supervisor, unless the DPS has already notified the council.

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

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

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

REGULATED ENTERTAINMENT

The council 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, and the balance to balance this against preventing nuisance in the locality.

Where appropriate, in determining what conditions should be attached to licences and certificates the council 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.

Background and incidental music are not considered to be licensable; however karaoke is a performance of live music and singers with backing tracks, drumbeats or bands are classed as amplified live music.

There are several exemptions set out in the Act and other legislation, such as the Live Music Act 2012. The table below provides examples of entertainment that is not regulated.

	Timings	Days	Audience	Premises	Notes
Live unamplified music	Between 08.00am and 11.00pm	Any	Less than 500 people	Any	
Live amplified music	Between 08.00am and 11.00pm	Any	Less than 500 people	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Live amplified music	Between 08.00am and 11.00pm	Any	Less than 500 people	Non-licensed workplace	
Live amplified music	Between 08.00am and 11.00pm	Any	Less than 500 people	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Live amplified music	Between 08.00am and 11.00pm	Any	Less than 500 people	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Recorded music	Between 08.00am and 11.00pm	Any	Less than 500 people	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Recorded music	Between 08.00am and 11.00pm	Any	Less than 500 people	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	Between 08.00am and 11.00pm	Any	Less than 500 people	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Any entertainment	Between 08.00am and 11.00pm	Any	Less than 500 people	Local authority premises, hospital or school	Entertainment provided by the local authority, health care provider or school
Plays	Between 08.00am and 11.00pm	Any	Less than 500 people	Any premises	
Dance	Between 08.00am and 11.00pm	Any	Less than 500 people	Any premises	Adult entertainment dance remains licensable
Films	Between 08.00am and 11.00pm	Any	Less than 500 people	Community premises	Not for profit event. Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	Between 08.00am and 11.00pm	Any	Less than 1000 people	Any premises	
Greco-Roman wrestling or Freestyle wrestling	Between 08.00am and 11.00pm	Any	Less than 1000 people	Any premises	
Travelling circuses	Between 08.00am and 11.00pm	Any	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

TEMPORARY EVENT NOTICES (TENS)

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 notify the council, the Police and Environmental Health.

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

- Staffordshire Police Licensing, Second Floor, Stafford Police Station, Eastgate Street, Stafford, ST16 2DQ
- Environmental Health, Environment and Community Protection Service, Lichfield District Council, Frog Lane, Lichfield, WS13 6ZE.

If a TEN is given electronically via GOV.UK the council will notify the Police and Environmental Health 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. When calculating the required notice period, the day on which the event is to take place and the day the notice is received are excluded.

The Police or Environmental Health 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 council. Where a standard TEN has been given the council 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 council meaning that the event cannot proceed.

The Police or Environmental Health may also intervene by agreeing a modification of the proposed arrangements directly with the TEN premises user. In certain circumstances, this may result in the council 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.

The council may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.

Further guidance can be found here

A TEN is subject to a range of limitations and further details can be found here.

PERSONAL LICENCES

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 council in whose area they live, whether 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.

The council 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 licensing qualification accredited by the Secretary of State, or one which is certified as if it is such a qualification or is considered equivalent, or is a person prescribed by the Licensing Act 2003 (Personal licences) Regulations 2005.
- The applicant, if subject to immigration control, must have permission to work in a licensable activity. Section 192A of the 2003 defines ‘entitlement to work’ for this purpose.
- 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 Act.
- 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 or been required to pay an immigration penalty.
- The application has been submitted correctly.

To substantiate whether an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a basic disclosure from the Disclosure and Barring Service. A relevant offence or foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

The council will consult with the Police regarding any disclosure of relevant offences listed in Schedule 4 of the Act and any other unspent convictions. If the Police make a representation to an application, the matter will be referred to the licensing committee for a hearing.

Where the applicant fails to meet the requirements due to a conviction for an immigration offence, or because they have been required to pay an immigration penalty, the council must give notice to the Home Office. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

Where an objection to the grant of a personal licence is received from either the Police or the Home Office, the applicant is entitled to a hearing. If, having considered all the circumstances, the council considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

Any party is entitled to appeal against the determination at the hearing. The council will therefore record in full the reasons for any decision that it makes.

The council is the 'relevant authority' for all personal licences they issue regardless of the subsequent place of residence of the licence holder.

Where a personal licence holder is convicted of a relevant offence, the court will advise the council accordingly. On receipt of such notification the council will contact the licence holder within 14 days requesting the return of the licence so that the necessary action can be taken.

The holder of the personal licence has a duty to inform the council of a new relevant conviction or any change in name or address.

ADULT ENTERTAINMENT

An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing or striptease, then a separate Sexual Entertainment Venue (SEV) Licence will also be required.

EARLY MORNING RESTRICTION ORDERS (EMRO)

Early morning restriction orders (EMRO) can be introduced by the council for any part of the district where it is considered that restricting the sale of alcohol between midnight and 6am is appropriate to promote the four licensing objectives. It can apply either every day or for certain days, and for an unlimited or time-limited period. Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or a TEN, subject to certain specified exceptions.

There are no current proposals to introduce an EMRO, but this will be kept under review in consultation with the Police and other responsible authorities.

LATE NIGHT LEVY

Late night levies allow licensing authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late-night economy. The levy would apply to all premises, throughout the area, which are authorised to sell or supply alcohol in the period set by the council. This can be any time between midnight and 6am. A consultation process will include the Police, licence holders and others. Unlike an EMRO, a late-night levy will not apply to TENs.

There are no current proposals to introduce a late-night levy, but this will be kept under review in consultation with the Police and other responsible authorities.

LATE NIGHT REFRESHMENT - LOCAL POWERS TO DEREGULATE

Paragraph 2A of Schedule 2 of the Act provides the council with the power to exempt premises in certain circumstances from the requirement to have a licence to provide late night refreshment.

The power allows a relevant council to exempt the supply of late-night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area.
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 11.00pm and ending no later than 5.00am).

The council has not currently exercised this power. If the council was going to consider exercising the power in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

4. OTHER REGULATORY CONTROLS

There are a number of other controls that may impact on the functions of the council, and they will continue to be taken into account during the administration and enforcement of the licensing process.

The council recognises that the licensing process should not duplicate other statutory provisions. The council will be mindful of the following legislation and related policies when executing its licensing functions under the Act:

Immigration Act 2016

Anti-social Behaviour, Crime and Policing Act 2014

Equality Act 2010

Clean Neighbourhoods and Environmental Act 2005

Gambling Act 2005

Noise Act 1996

Environmental Protection Act 1990

Health and Safety at Work etc Act 1974

The Regulatory Reform (Fire Safety) Order 2005

Lichfield District Council's Enforcement Policy

The council has determined this 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 council 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.

PLANNING AND BUILDING CONTROL

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

Licensing decisions will consider any relevant planning decisions made by the council or the planning inspectorate but are not bound by them.

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, listed building consent, or building regulation approval and refusal of these may be taken into consideration by the council when considering representations on such applications. It should be noted, however, that there is no legal basis for the council to refuse a licence application because it does not have planning permission or similar.

The local planning authority is a "responsible authority", and they 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 local planning authority when planning permission, listed building consent, or building regulation approval is required and, where necessary, enable representations to be made.

Where there is an application for planning permission, the National Planning Policy Framework expects new development to be integrated effectively with existing businesses and community facilities, such as places of worship, pubs, music venues and sports clubs. Existing businesses or community facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development, including changes of use, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

HEALTH AND SAFETY

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. For leisure and entertainment venues this is usually enforced by Environmental Health, and in limited circumstances by the Health and Safety Executive.

In most of the 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 specific legislation. Where it is considered that such statutory provisions do not provide for adequate protection regarding 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.

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. Environmental 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 council.

FIRE SAFETY

The council 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.

Staffordshire Fire and Rescue Service is a "responsible authority" and will be notified of all applications relating to premises licences and club premises certificates. This will enable them to take the appropriate action where fire safety requirements are an issue and, where necessary, enable representations to be made to the council.

COUNTER TERRORISM

The council requires that applicants for premises licences, and variation to those licences, to pay particular attention to the threat from terrorism.

Applicants should consider access to the premises by the emergency services, communication with the emergency services, and first aid provision including training and equipment to deal with trauma and mass casualty events.

Guidance on counter terrorism measures can be found in the revised guidance issued under Section 182 of the Act.

Applicants for premises licences and variation to those licences should also consider:

- That staff complete the Protect UK Action Counters Terrorism (ACT) Awareness e-learning
- That the DPS has completed additional counterterrorism training available from the police or local authority.
- Completing a documented security assessment, which incorporates counter terrorism measures for the premises.
- Whether the premises falls under requirements imposed by the Terrorism (Protection of Premises) Act 2025.

RIGHT TO WORK

The prevention of crime and disorder licensing objective in the Act encompasses the prevention of immigration offences. The Council will work with Home Office Immigration Enforcement as well as the Police, in respect of these matters.

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK or is not entitled to undertake work relating to the carrying on of a licensable activity.
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end.
- Immigration offences, including civil penalties, are 'relevant offences' for the

purposes of the Act.

- Home Office Immigration Enforcement is a "responsible authority", except for licences only for regulated entertainment, and may make representations 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.

A person is disqualified from applying for a personal licence or a premises licence by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it; or
- The person's leave to enter or remain in the UK:
- is invalid,
- has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
- is subject to a condition preventing the person from doing work of that kind.

NOISE AND OTHER NUISANCE

The licensing objective for the prevention of public nuisance overlaps with legislation that seeks to control nuisances, including noise. This is enforced by Environmental Heath, predominantly under the Environmental Protection Act 1990.

In many 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 specific statutory provisions. Where it is considered that there is potential for noise or other nuisances such as those caused by light, odours or litter, those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

Environmental Health is a "responsible authority" under the Act.

PAVEMENT LICENCES

Pavement licenses are granted by the Council and allow the licence holder to place removable furniture, such as tables and chairs, over certain highways adjacent to the premises to sell or serve food and drink, and/or allow it to be used by people for consumption of food and drink supplied from, or in connection with the use of the premises.

Businesses that are eligible to apply for a pavement licence include public houses, cafes, restaurants and bars, coffee shops, snack bars and ice cream parlours. A pavement licence only permits the placing of removable furniture on the highway; to serve alcohol within that area the necessary licences and permissions must be in place.

More information can be found on the council's website.

5. LINKS TO OTHER STRATEGIES

LICHFIELD 2050

The activities regulated through this policy support the ambition in the Lichfield 2050 strategy of attracting retail, hospitality and leisure provision in the District whilst balancing the duty to safeguard our communities and visitors. The provision of a well-run and well-regulated entertainment and hospitality sector provides a valuable boost to the local economy as well as offering employment opportunities.

The provision of new licensed premises can also contribute to the regeneration of areas of the district, particularly in the city centre and in Burntwood.

This policy will also support the delivery of the Community Safety Partnership's Community Safety Strategy, particularly in terms of anti-social behaviour, violent crime and business crime.

MODERN SLAVERY AND HUMAN TRAFFICKING

Modern slavery and human trafficking involve serious criminality and are terrible violations of human rights. This problem is recognised as having relevance to licensed premises which the Council is committed to tackling alongside partners, through intelligence sharing and joint operations.

ALCOHOL STRATEGY

The Government's Alcohol Strategy (2012) outlines how the Act may be used to address the social, health, and criminal impacts of alcohol misuse. When the council's powers under the Act are engaged, such as upon receipt of relevant representations, the strategy will be considered with particular attention to underage alcohol sales and the adequacy of measures to prevent antisocial behaviour.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks seeks to ensure that drinks are packaged and marketed in a socially responsible manner. It should be considered by applicants whose proposed licensable activities involve the supply of alcohol.

DRUGS

Licensed premises should have a documented drugs policy.

DRINK SPIKING

The Local Government Association has produced guidance on drink spiking prevention which is available here. The guidance recommends that licensed premises:

- Ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is also helpful to the police if staff:
- obtain full details of the affected person reporting the incident, including a description of what they are wearing as officers will want to track them on CCTV
- can provide as detailed a description of the suspected perpetrator as possible, if known, including clothing can provide an approximate time of the incident and the location within the premises where they believe it occurred can secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested later.
- can seize any drinking vessel that the suspect may have been using.

- Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, helping if needed, and providing a safe space for the customer.
- Ensure appropriate training is provided to relevant members of staff.
- Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.
- Consider providing information (such as posters) regarding drink spiking in the premises.
- Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council.

ASK FOR ANGELA

Ask for Angela is a national scheme that helps anyone who is feeling vulnerable on a night out to get the support they need. The scheme works by training staff in vulnerability management and what to do when someone 'Asks for Angela'.

The Council expects that when a trained member of staff hears the code-phrase they should understand that the person needs support and will be able to respond in an appropriate and discreet way. This could be by offering them an alternative way out of the venue, calling them a taxi or in a more serious situation, alerting venue security and/or the Police.

CHILD SEXUAL EXPLOITATION

High-profile cases around the UK have acted to highlight the links between victims of child sexual exploitation and licensed premises. Licensing authorities have a statutory duty to ensure the protection of children from harm through the exercise of their licensing functions, and it is important that licence holders are aware of the potential for premises to be used by persons who are exploiting children for sexual purposes and take appropriate measures to prevent and detect this. Measures may include:

- Inclusion of child sexual exploitation issues within staff training.
- Documented procedures for identifying and reporting suspicious behaviour to the police.
- Frequent monitoring of all areas of the premises and immediate vicinity, including external areas, to detect inappropriate behaviours.

PUBLIC HEALTH

Public Health is also a "responsible authority" under the Act. Although not a licensing objective, Public Health has information which other responsible bodies do not that would assist the council in carrying out its functions.

The Director of Public Health at Staffordshire County Council will be notified of all applications relating to premises licences and club premises certificates to enable representations to be made to the council where necessary.

6. THE LICENSING OBJECTIVES

Section 3 of this policy outlines the four licensing objectives that are always paramount considerations. 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 mandatory.

The council recognises that applicants will know their businesses best and it is therefore for them to consider what to include within their operating schedule regarding how they will promote the four licensing objectives.

The council wishes to make it clear that where no relevant representations are received in respect of applications, the council will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule.

The lists of possible control measures that are outlined in the following sections are not to be regarded as mandated requirements or as "check lists" and will not be used by the council 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.

7. PREVENTION OF CRIME AND DISORDER

The Council is committed to reducing crime and disorder and improving community safety in the district of Lichfield.

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 the council, along with Staffordshire Police, Staffordshire County Council, and others to consider crime and disorder reduction in the exercise of all their duties. The Act reinforces this duty for local authorities. The council 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.

Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the council is satisfied that there are issues relating to crime and disorder that need to be addressed in a particular area or areas of the district, it will consider adopting a “saturation policy” (see **Section 12**).

The council 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.

The council recommends that all licence holders in licensed premises be encouraged to complete training 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.

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 specific issues, having regard to their 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.

Applicants may wish to consider the following matters if relevant to their 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 regarding 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 devices such as radios to ensure fast and effective communication between persons in the premises and others, for example, the Police.
- adoption of best practice guidance. The British Beer and Pub Association (BPPA) provides its members with a range of best practice guidance.
- 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 and photocard driving licences.
- 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 measures such as lighting outside the premises.
- membership of Pub watch.

Within the operating schedule for premises from which alcohol will be sold, there must be a Designated Premises Supervisor (DPS). The council 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.

Certain temporary events are required to be licensed and can be notified to the council 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 and Environmental Health to work with them to identify and reduce the risk of undermining any of the licensing objectives.

Staffordshire Police will 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 council in responding to notices and determining such applications.

DOOR SUPERVISORS

The council may consider that certain premises require strict supervision for the purpose of the

promotion of the licensing objectives. However, the council can only consider applying stricter conditions in these circumstances if relevant representations are received. In such cases the council may impose a condition that licensed door supervisors must be always employed at the premises either or at such times that certain licensable activities are taking place.

Whenever door supervisors are employed at licensed premises to carry out any function they must be licensed by the Security Industry Authority (SIA) and display their licence on the outside of their clothing.

8. PROMOTION OF PUBLIC SAFETY

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 to acknowledge and safeguard occupants against these risks as far as is practicable.

There are a wide range of statutory requirements as detailed in **section 3** in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.

The council 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 regarding 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.

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 and the means of accommodating the audience, such as seated or standing.

The council may set an occupancy capacity following representations from responsible authority, after having regard to any guidance issued by the Secretary of State if considered appropriate to meet the public safety licensing objective.

Guidance with regards to fire safety as part of an application for a premises licence is available from Staffordshire Fire & Rescue Service.

Applicants may need to consider the following measures if relevant to their 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, 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 patrons.
- 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 the premises.

- steps to mitigate the threat from terrorism, particularly where crowds gather.
- the provision of toughened or plastic drinking vessels.

9. PREVENTION OF PUBLIC NUISANCE

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, light, odours, waste and litter. 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.

The council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

There are several statutory controls available to deal with nuisance issues as outlined in **section 4.**

When addressing public nuisance, the applicant should initially identify any issues having regard to their 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.

Applicants may need to consider the following measures if relevant to their 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 indoors or outdoors.
- 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.
- 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 people.
- 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 of the 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 vehicular traffic arriving and leaving the premises.
- the provision of any special measures to be implemented in premises near sensitive premises such as hospitals, schools, nursing homes, hospices or places of worship.

- siting of external lighting, including security lighting.
- steps taken to ensure effective management arrangements for the collection, storage and disposal of litter and waste.
- the management of pests such as rats and mice.
- effective ventilation systems to prevent nuisance from odour.

Applicants need to be clear that the council 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.

10. PROTECTION OF CHILDREN FROM HARM

The council 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. The council recognises Staffordshire County Council as a responsible authority under the Act.

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 staff at the premises have been convicted serving alcohol to minors or the premises has a reputation for underage 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.

Limitations on access by children imposed by the council, 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 specified activities are taking place.
- limitations on the parts of premises to which children might be given access.
- age limitations.
- requirements for accompanying adults.
- full exclusion of those under 18 years of age from the premises when any licensable activities are taking place.

The council 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 classification given to films by the British Board of Film Classification. 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 such films.

Where representations are received from a responsible authority regarding regulated entertainment attended by children, the council 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 authority.

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.

The council 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.

ILLEGAL SALES OF AGE RESTRICTED GOODS

The Council works with Staffordshire County Council to secure the protection of children from harm caused by underage sales via intelligence sharing and joint operations.

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.

11. THE LICENSING PROCESS

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 C Licensing Committee.

To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Council's Regulatory C Licensing Committee has delegated those functions to the Licensing Sub-Committee which will comprise of three members of the Regulatory C Licensing Committee.

Many of the Regulatory C Licensing Committee's decisions will be purely administrative and where there are no relevant representations to an application for the grant of a premises licence or club premises certificate, or 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 officers in the Environment and Community Protection Service.

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

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

Matter to be dealt with	Delegated to Licensing Sub-Committee	Delegated to Environment and Community Protection Service 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	If no objection made
Request to be removed as designated premises supervisor	-	All cases
Application for the mandatory alcohol condition for a DPS to be disapplied for community premises	If a police objection	If no objection made
Application for transfer of premises licence	If a police objection	If no objection made
Applications for interim authorities	If a police objection	If no objection made
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 Environmental Health objection to a temporary event notice	All cases	-

SUSPENSION FOR NON PAYMENT OF ANNUAL FEES

The Act requires the council to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended. The council must give a minimum two days' notice of the licence/certificate being suspended if payment is not made. The council, in this case, considers that seven days' notice is more appropriate.

THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY

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.

The Licensing 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.

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

12. CUMULATIVE IMPACT OF LICENSED PREMISES

Cumulative impact refers to the impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

In some areas where the number, type, or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of crime, disorder or nuisance may arise outside of, or some distance from, the premises. Such problems generally occur because of large numbers of drinkers being concentrated in one area, for example when leaving a premises at peak times or when queuing at fast food outlets or for public transport.

Queuing may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport and street cleansing may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as littering, public urination, traffic, and noise caused by concentrations of people who cannot be effectively dispersed quickly.

Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These circumstances are more likely to arise in town and city centres with high concentrations of licensed premises.

The commercial demand or need for 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 council.

A Cumulative Impact Assessment (CIA) may be published by the council where there is evidence to demonstrate that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates in a specified area. Publication of a CIA is in accordance with the requirements of Section 5A of the Act and with regard to the guidance issued by the Secretary of State under 182 of the Act.

A CIA allows the council the option to manage the number of licences that it grants in an area where there is evidence to show that the density of licenced premises may be undermining the licensing objectives. However, it does not change the fundamental way that decisions are made under the Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. For example, a large nightclub or high-capacity public house might add to the problems in an area in the way that a small restaurant would not. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where no representation is made by a responsible authority.

Where relevant representations are received about applications for the licensing of premises within the designated area, the Licensing Sub-Committee will consider whether to refuse the application if it appears that it is likely to add to existing problems of crime and disorder in the designated area, or if public nuisance is more likely than not to be caused. It will be for applicants to demonstrate to the Council that their application will not add to the existing cumulative problems of crime, disorder and nuisance within the designated area. Where the Licensing Sub-Committee decides to grant the licence, it must fully record the reasons for departing from the cumulative impact policy.

A CIA will not be used as grounds for revoking an existing licence or certificate when representations are received about problems relating to those premises. Similarly, the cumulative impact of premises on the licensing objectives is quite separate from decisions about need for a particular premises. The commercial demand for a particular premises is not a matter for the council when discharging its licensing functions. Where a representation is made outside of the CIA area regarding cumulative impact it would be for the responsible authority to evidence the cumulative impact, whereas inside the CIA area, this is considered to have already been evidenced.

Whilst a CIA does not apply directly to Temporary Event Notices, the Guidance to the Act states that it is open to the Police and Environmental Health to refer to the CIA and the evidence contained within it when objecting to a TEN. The council believes this is a right and proper approach as extension of hours within the cumulative impact area can have a direct impact on the promotion of the licensing objectives.

13. LICENSING HOURS

The council recognises that longer licensing hours, regarding 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, 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.

If necessary, stricter conditions regarding licensing hours may be required for premises situated in or immediately adjacent to residential areas to ensure that disturbance to 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 nighttime sleeping periods.

Regarding shops, stores and supermarkets, the council 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.

14. COMPLIANCE AND ENFORCEMENT

The Council will undertake compliance and enforcement activity to secure that the Act, licences and conditions are complied with. This will be done using various tactics and sometimes during joint operations with other law enforcement agencies. All enforcement undertaken by the Council will be in accordance with its Enforcement Policy.

15. CONCLUSION

This is the fourth policy produced by the council under the provisions of the Act and it will therefore form the basis for considering all applications for licences under this legislation with effect from the date it is approved by Council, February 2026.

In producing this Statement of Licensing Policy, the council is aware that the Government may from time to time amend the Act, secondary legislation, and guidance. The Council does not intend to revise the Statement of Licensing Policy to take account of each amendment and readers should therefore check on GOV.UK to ensure they have the latest information.

Any matters which it is felt should be considered by the Council in reviewing the Statement of Licensing Policy should be submitted in writing to:

Environment and Community Protection Manager
Lichfield District Council
Frog Lane
Lichfield
Staffordshire
WS13 6YY

or by email to **licensing@lichfielddc.gov.uk**.

16. RELATED POLICIES AND PROCEDURES

The council is committed to developing and delivering services in a way that ensures it treats people fairly and promotes equality of opportunity and social cohesion within the wider community.

The council's equality statement recognises that discrimination can take many forms and arise as a consequence of:

- age
- race
- gender reassignment
- disability
- religion or belief (including non belief)
- sex
- marriage and civil partnership
- sexual orientation
- pregnancy and maternity.

This policy will take account of the principles established by the council's equality statement and seek to ensure that unlawful discrimination will be eliminated and equality of opportunity and good relations between people of different identifiable groups promoted.

The policy will have regard to the relevant legislation including the Equality Act 2010, and the council's equality statement.

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 a detrimental impact.

ENDS

Lichfield District Council

CUMULATIVE IMPACT ASSESSMENT – LICHFIELD CITY CENTRE

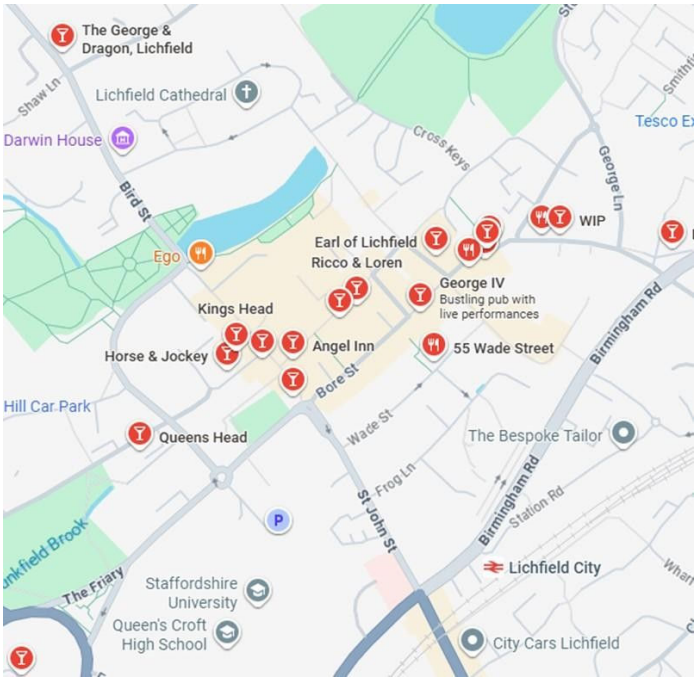
INTRODUCTION

Lichfield city centre has a thriving retail and hospitality sector covering both the daytime and night time economy. Work is ongoing to create a new leisure hub which may incorporate a cinema, hotel and restaurants. Parts of the city centre promote a 'caféculture' approach where open air dining and open fronted pubs are popular. This has been enhanced following partial pedestrianisation of the city centre and the installation of protective bollards to limit vehicular access. Market Square is a popular location for events, markets and festivals. The vibrant night time economy in Lichfield attracts visitors from across the Midlands as well as tourists from further afield. The city is well served by two trainstations and the bus network, as well as good road links, including the M6 Toll, linking it toBirmingham to the south and Manchester to the north, all of which contribute to the local economy.

Whilst there are licensed premises elsewhere in nearby Burntwood and outlying villages across the District, it is the city centre which is by far the busiest area and contributes significantly more to the associated crime and disorder than anywhere else.

EXISTING LICENSED PREMISES

There are currently 29 licensed premises in Lichfield city centre providing a varied mix of businesses involved in both the daytime and night time economy.



The vast majority of venues close between 11.00pm and 2.00am with 3 premises making use of an extended 3.00am or 4.00am licence on a Friday and Saturday evening. Some are known to apply discretion and close earlier than their normal licensing hours where there is a lack of customers.

Friday and Saturday nights traditionally see the greatest numbers of people in the city centre, with numbers beginning to increase steadily from 6.00pm and peaking around 10.30pm to 11.00pm. Tamworth Street, Bird Street and Market Street have the highest volume of footfall throughout the evening due to the concentration of licensed premises.

The most popular late night licensed premises is on Bird Street and closes at 3.00am. The presence of two late night food venues and a taxi rank will see exiting patrons often gathered in numbers on Bird Street and The Friary.

POLICING

In recent years, Staffordshire Police have made representations in relation to a number of licenced premises for failing to comply with the conditions on their licence, crime and disorder caused by drunkenness, drug possession and supply, and violence.

The existing cumulative impact area does not incorporate where some of the most popular existing venues are located or the areas where future licensed premises are likely to be established.

Staffordshire Police has advocated that the existing cumulative impact area is retained and, as part of a wider approach to tackling the causes of the crime and disorder, expanded to cover the city centre. Staffordshire Police has provided the evidence that forms the basis of this cumulative impact assessment.

Operation Safer Nights is policed by a small team of officers, complemented by a number of Special Constables based at Lichfield Police Station. This offers high visibility foot and mobile patrol of the town centre area from 8.00pm until 3.00am. Officers operate a meet and greet theme to ensure patrons and premises staff are reassured by an early policing presence when visiting, with this presence continuing into the night. Police make frequent use of relevant legislation to prevent, detect and deter crime with the focus of promoting a safer environment for businesses and visitors of the city centre. The resilience of the local policing team is significantly reduced after 3.00am and relies on a night shift which assumes responsibility for the policing of the centre alongside the rest of Lichfield District.

Lichfield neighbourhood policing team (NPT) incorporates the policing of the city centre into its business as usual model but also provides additional planning and resources to seasonal operations which concentrate around the summer months and Christmas period. The NPT support community events and festivals which take place throughout the year including Lichfield PRIDE, The Bower, Fuse music festival and Christmas lights switch on to name but a few.

Staffordshire Police has secured central government funding to provide overtime to officers to patrol in several key hotspot areas. Lichfield city centre is incorporated into the operation. The aim is to use high visibility foot patrol to disrupt crime and ASB activity in these areas, therefore cooling the hotspots down and in turn reducing the crime and ASB experienced there.

Other operations incorporate Violence against Women and Girls (VAWG) week, walk-throughs at licensed premises, drug swabs of surfaces, and safety and reassurance provided at peak times to nighttime economy. The approach is complimented by a proactive Community Safety Partnership, the Council's licensing officers and Special Constabulary team.

Staffordshire Police will use all available legislation to tackle antisocial behaviour and criminal behaviour in the city. Where opportunities arise to use dispersal powers under Section 34 Anti-Social Behaviour, Crime and Policing Act 2014 they are taken, tackling drunkenness and ASB early to prevent it escalating into violence later. Post conviction orders are also utilised to address longer term repeat offending, for example Drinking Banning Orders (DBOs).

CCTV

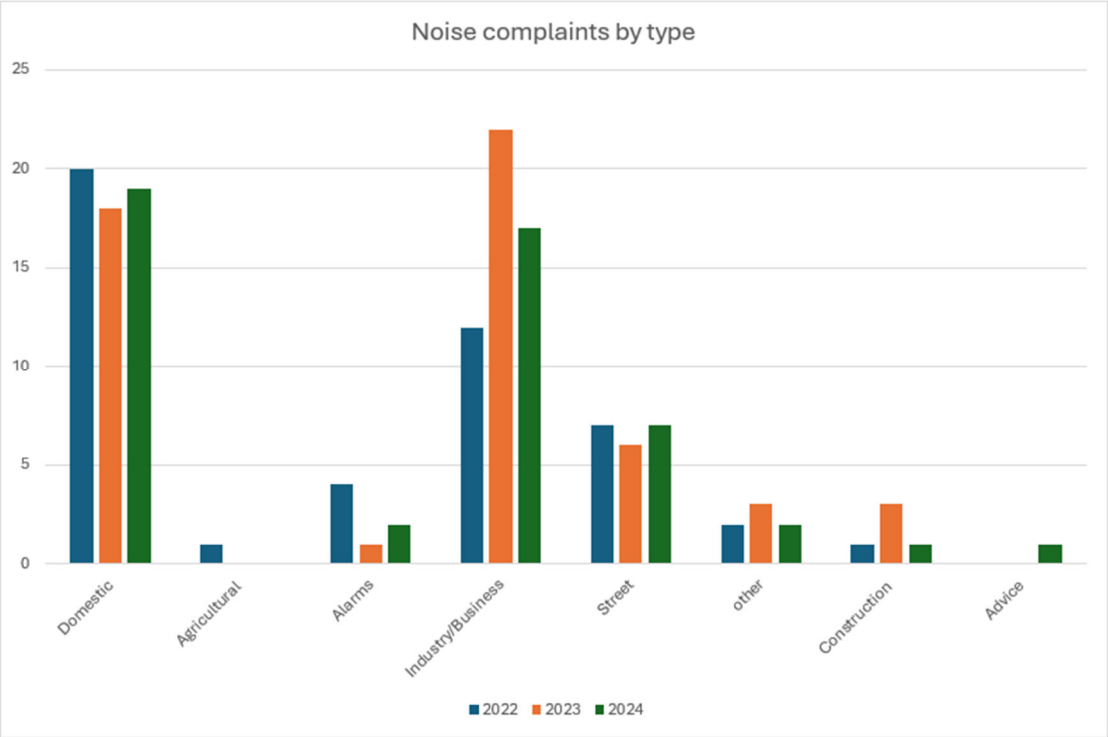
City centre CCTV is extensively used with dedicated staff to monitor and tackle issues within the centre and excellent lines of communication exist between CCTV staff and the Police. The Three Spires management company have responsibility for the day to day monitoring of the network. They are located in the city centre unlike a lot of other town centre operators who are remotely accessed. The CCTV system is undergoing an upgrade to improve coverage and quality. The majority of local businesses offer their own private and independent CCTV.

CRIME AND ANTISOCIAL BEHAVIOUR (ASB)

Crimes reported between Fridays and Saturdays remain low compared to national and regional averages but are the peak days for incidents across the week.

The police evidence from the last 3 years shows 10 public order / violence type offences per month on a Friday and Saturday night on average. There is no evidence to suggest this is high compared to similar towns, or indeed whether the numbers are rising.

The Council also receives complaints regarding anti-social behaviour, in particular, noise complaints. The graph below shows the number of calls to Environmental Health regarding noise complaints in the city centre. The noise complaints are categorised by type with the most relevant types for this report being business/industry and street.



A recent survey conducted to support the city's Purple Flag status received 256 responses. More than 80% of respondents felt 'safe' or 'very safe' visiting Lichfield.

The following table provides data relating to overall incident level changes. It demonstrates no clear and obvious trends across the county, however does show a similar reduction in offences in the nearest similar economy in Tamworth.

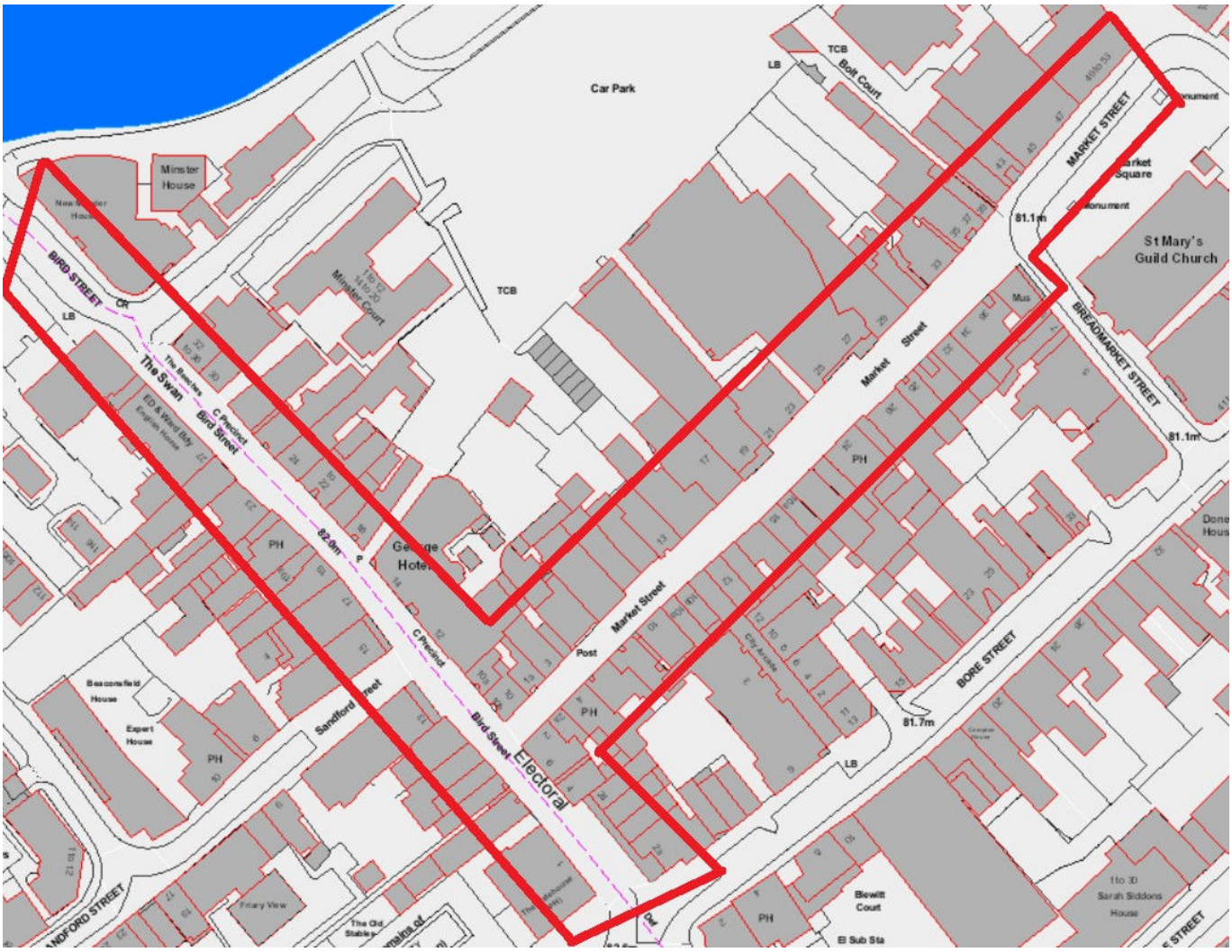
		12 Month% change
Hanley Town Centre	**SCB1**	31%
	SCB6	-2%
Tamworth Town Centre	**EW00**	-10%
Stafford Town Centre	**WM05**	-13%
Leek Town Centre	**NA02**	6%
Newcastle Town Centre	**NB61**	4%
Hednesford Town Centre	**WV02**	25%
Cannock Town Centre	**WV41**	3%
	WV43	20%
Lichfield City Centre	**ER00**	-12%
	ER03	-5%
Burslem Town Centre	**SC73**	-6%
Burton Town Centre	**EP15**	11%
	EP30	0%
Longton Town Centre	**SG61**	26%
Uttoxetter Town Centre	**EP51**	-14%
Stone Town Centre	**WM73**	21%

CONCLUSION

Stoke, East Staffordshire, Tamworth, Cannock, Newcastle under Lyme and Stafford are examples of nearby city and town centres that are covered by a cumulative impact assessment.

In Lichfield, whilst some crime and disorder is inevitable given the night time drinking economy, the need to extend the CIA is not borne out by the evidence. Gaining recognition of a safe night time economy was also apparent from the Purple Flag award given in 2024. This award was supported by the Police.

The local policing team is engaged in weekly collaborative Safer Nights policing operations which involves, as well as public and business engagement, high visibility patrolling and positive action approach to arresting perpetrators, though resource issues remain a concern for the Police around this work.

As part of a wider approach to tackling the causes of the crime and disorder, Staffordshire Police requested that the cumulative impact policy is expanded to cover the wider city centre. Whilst the Licensing Authority does not consider that the evidence supports this, the CIA should be reviewed every 3 years as a minimum and can be reviewed sooner should evidence show the CIA extension should be considered again.

CUMULATIVE IMPACT AREA MAP