

## INTRODUCTION

### General

1. This policy states the general principles that the Licensing Authority (see glossary) will take into account when determining each application. Other parties (including applicants, responsible authorities, interested parties) should have due regard to this policy.
2. The Licensing Authority is responsible for granting premises licences, club premises certificates, personal licences, and for receiving temporary event notices in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
3. Each application will be considered on its individual merits.
4. The Licensing Authority may depart from its own policy if the individual merits of the application warrant such a departure. In such circumstances, the Licensing Authority must be able to justify its decision should there be a legal challenge.
5. This policy will not over-ride any obligations in the *Licensing Act 2003* (the "Act") or any other legislation. The Licensing Authority in preparing this policy has had regard to the Statutory Guidance (the "Guidance") under S182 of the Act and Regulations.
6. Each three year period the Licensing Authority must determine and publish a statement of policy. The Licensing Authority must keep its policy under review and must consult in relation to any revisions to it.
7. The Licensing Authority has consulted with all parties as required under the Act (see Appendix A).
8. All existing licence holders, (for example, justice licences, public entertainments licences, night café licences), will have six months commencing the first appointed day (7 February 2005) to apply to the Licensing Authority to have their current licence converted with existing conditions to the new type of licence. Although applicants must apply to the Licensing Authority, this is an automatic conversion, subject only to any police objection based on the crime and disorder objective. This is known as Grandfather Rights. For the number of existing licences in the Borough please refer to Appendix B.
9. In making decisions the Licensing Authority will have due regard to any supplementary publications, including material such as protocols, strategies and procedures, that are published by the Richmond Council (the "Council") or other relevant bodies and are relevant to Licensing.

### Licensing objectives

10. The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives (which are all of equal importance), namely:

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

11. The licensing objectives are the only factors that the Licensing Authority may take into account when determining an application or review.

### Licensable activities

12. Subject to statutory exemptions, the activities which require a licence under the provisions of the Act and which this policy statement covers include:

- sale of alcohol;
- supply of alcohol to club members;
- provision of “regulated entertainment” – to the public, to club members or with a view to profit:
  - 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;
  - provision of facilities for making music;
  - provision of facilities for dancing;
- the supply of hot food and/or drinks from any premises between 11pm and 5am.

13. For statutory exemptions refer to Part 2 of Schedule 1 of the Act (see Appendix C).

### Licensing Committee

14. The Council has established a Licensing Committee of fifteen members. The Licensing Committee will meet at least twice yearly to receive reports relevant to their role from Council officers and/or other appropriate parties/organisations.
15. The Licensing Committee may establish one or more sub-committees consisting of three members of the Licensing Committee.
16. The Licensing Committee may delegate its functions to sub-committees or to officers supporting the Licensing Authority. Delegation may occur in accordance with the schedule as contained in Appendix D. However, the Licensing Authority may depart from the schedule where the individual merits of the case so require the departure and in such cases reasons will be given.

17. Where there are no relevant representations (see glossary), officers must grant the application without a hearing. Officers must determine on its merits whether any representation is relevant, frivolous or vexatious and may seek the guidance of the chairman or vice-chairman of the Licensing Committee in making its determinations.
18. The Licensing Committee or sub-committee may hear relevant representations from responsible authorities (see glossary) and interested parties (see glossary) in the vicinity of the premises. The Licensing Authority will adopt a common sense approach to the meaning of vicinity. Parties are interested if they live in the vicinity of the premises, and whether they do will be a question of fact in each case. The sub-committee may also determine at a hearing whether a representation is relevant, frivolous or vexatious.

### **Council's Vision for Licensing in the Borough**

19. This policy aims to '*Achieve the Right Balance*' by offering a safe, welcoming and clean environment for all to enjoy by improving opportunities for business and leisure/cultural activities whilst respecting the needs of residents to be able to go about their normal lives without undue interference or disturbance from licensable activities.
20. The Council encourages:
  - Entertainment (live music, dance, plays, films, etc.)
  - Cultural diversity
  - Choice
  - Family friendly environments
  - Focus on food
  - Quality standards
21. The Council encourages a diverse range of services beyond the sale of alcohol. It does not wish to create or promote a trend towards a 24 hour vertical drinking culture.
22. The Council discourages drunkenness or promotions that may lead to the excessive consumption of alcohol. The Portman Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (refer to [www.portman-group.org.uk](http://www.portman-group.org.uk)) is commended in ensuring that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.