

## LICENSING OBJECTIVES

### Prevention of Crime & Disorder

42. In accordance with S17 of the Crime and Disorder Act 1998, the Licensing Authority must have due regard to the likely effect of the exercise of its functions on crime and disorder; and to the need to do all that it reasonably can to prevent crime and disorder.
43. The Licensing Authority will give considerable weight to any representations made by the police that is supported by evidence addressing this objective, particularly where it is linked to resources and likely control issues.
44. Pubs are encouraged to become members of their local Pub Watch scheme and to become a part of the Pub Watch radio system in order to alert other premises of potential trouble makers and disorder.
45. Door supervisors must be licensed by the Security Industry Authority (SIA) by the 11 April 2005, subject to exemptions under the Private Security Industry Act 2001.
46. The Licensing Authority encourages applicants to voluntarily install CCTV both within and outside their premises where they trade beyond 11pm and the primary licensable activity is the supply of alcohol. Installation and maintenance should be to the satisfaction of the Police and Licensing Authority and it is recommended that all recordings be retained for a minimum of 31 days.

### Factors for the Licensing Authority to consider

47. Upon receiving a relevant representation in relation to a premises licence (or provisional statement) or club premises certificate, the Licensing Authority in making its determination must promote this licensing objective. Examples of what could be considered include:

- Whether the premises makes or will make an adverse contribution to levels of crime and disorder;
- Whether management has adopted any positive measures to prevent crime and disorder (for example, door supervisors, floor supervisors, installation of CCTV etc);
- Whether the interior and exterior of the premises have been designed in a way to minimise conflict and the opportunity for crime and disorder (for example, lighting, layout, etc);
- Whether measures have been adopted to ensure that the consumption of alcohol (eg no promotions that may lead to the excessive consumption of alcohol; provision of tap water free of charge) does not adversely effect the crime and disorder objective;
- Whether there are any internal policies addressing issues such as drugs and weapons (including search policies and training / awareness);
- Nature of the licensable activities and profile of patrons and their likely impact on the crime and disorder objective;
- Whether any dispersal practices encourage the staggered departure of patrons;
- Whether the size and capacity of the premises impacts on the licensing objectives.

### Conditions

48. Annex D of the Guidance provides examples of conditions that may, in individual cases, be necessary to promote the prevention of crime and disorder in relation to premises licences (and provisional statements) and club premises certificates.
49. The following conditions may be considered as measures which may, in individual cases, promote the prevention of crime and disorder:

- Text / radio pages / phones connecting to local police;
- Door supervisors authorised by the SIA;
- Plastic containers and toughened glass;
- CCTV;
- Open containers not to be taken from the premises;
- Restrictions on drinking areas;
- Safe capacity limits;

- Proof of age schemes (No proof, no sale, no entry);
- Crime prevention notices;
- Signage;
- Metal detectors and search policies;
- Book recording all incidents at premises;
- No irresponsible promotions that may lead to the excessive consumption of alcohol;
- A specified time between last sales and the close of the premises;
- Supply of free soft drink, water, coffee or food at the end of the evening.

### **Public Safety**

50. Public safety is concerned with the physical safety of people using or working in the premises and not with public health, which is dealt with in other legislation.
51. It is the responsibility of the applicant to ensure that their licensed premises is safe for the public and staff for the activity taking place, both inside and immediately outside the premises (eg in connection with queuing, access, control of crowds). It is recommended that the applicant provides a risk assessment alongside the operating schedule to demonstrate that safety has been considered, assessed and addressed.
52. The Licensing Authority's officers will inspect licensed premises on a risk assessment basis and will perform joint visits with other agencies. The purpose of visits will be to ensure compliance with licence conditions. Inspections may be undertaken without formal notice.
53. The Licensing Authority may, at its discretion, place a capacity limit on premises upon receiving a relevant representation. Capacity figures already set by the Fire Authority and/or Licensing Authority should be disclosed in the operating schedule. The Licensing Authority will not set a capacity that duplicates a capacity set in the Fire Safety Certificate.

### Factors for the Licensing Authority to consider

54. Upon receiving a relevant representation in relation to a premises licence (or provisional statement) or club premises certificate, the Licensing Authority in making its determination must promote this licensing objective. Examples of what could be considered include:

- Whether there are sufficient security staff / floor supervisors in relation to the number of customers at any given time;
- Whether there may be overcrowding in the premises;
- Whether there are set safe capacity limits;
- Whether staff have been trained in/ informed of necessary safety measures;
- Whether patrons can arrive and depart from the premises safely.

### Conditions

55. Where the legislation does not provide adequately for the public or staff, the Licensing Authority will give consideration to the conditions to promote safety as contained in Annexes E & F of the Guidance.
56. The following conditions may be considered as measures that in individual cases may be necessary to promote public safety.

- Safe capacity limits;
- Safety checks are carried out before the admission of the public;
- Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performance and staff.

### **Prevention of Public Nuisance**

57. In determining a licence application, the Licensing Authority will focus on the impact of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity.
58. Public nuisance includes the following:

- Noise nuisance (including vibration);
- Light pollution;
- Noxious smells;
- Litter;
- Any other relevant consideration.

59. The prevention of public nuisance includes low-level nuisance affecting a few people living locally as well as major disturbances affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties in the vicinity of licensed premises.
60. Applicants are encouraged to make all attempts to ensure that patrons leave their premises quietly and swiftly. Where nuisance in the vicinity of the licensed premises is attributable to patrons leaving the particular premises, this may result in representations against the premises licence.
61. Where there are queues to enter premises, they should be controlled and monitored to ensure that no nuisance is caused to residents or local

businesses. Applicants are advised to address these matters in their operating schedules.

#### Factors for the Licensing Authority to consider

62. Upon receiving a relevant representation in relation to a premises licence (or provisional statement) or club premises certificate, the Licensing Authority in making its determination must promote this licensing objective. Examples of what could be considered include:

- Whether any steps have been taken to limit noise escape from the premises (for example, keeping doors and windows shut where possible, sound level limiters on amplification equipment, sound proofing);
- What measures have been adopted to minimise and control noise from customers entering and leaving the premises (for example, signs inside/outside the premises asking patrons to leave quietly);
- Whether the licensable activities are likely to cause congestion of the pavement or the roadway;
- Whether people standing outside the premises are likely to cause a nuisance to residents;
- Whether any measures have been taken to prevent queuing outside premises;
- Whether there is adequate transport for patrons leaving the premises;
- Whether measures have been taken to minimise and control noise from staff, contractors and suppliers and their activities;
- Whether measures have been taken to minimise and control noise from vehicles providing services to the premises (for example, refuse collection, drink and food deliveries);
- Whether there are any bright lights outside the premises that may give rise to light pollution for some neighbours;
- Whether measures (such as litter bins outside premises or sponsored litter bins away from the premises) have been adopted to ensure that discarded litter is kept to a minimum, particularly with regard to the sale of takeaways from late night premises;
- Whether measures have been adopted to prevent noxious smells.

#### Conditions

63. Annex G of the Guidance provides examples of conditions that may, in individual cases, be necessary to promote the prevention of public nuisance.

64. The following conditions may be considered as measures that may, in individual cases, promote the prevention of crime and disorder:

- Hours of operation;
- Doors and windows at the premises to be closed where practicable;
- Installation of noise limiting devices on amplification equipment;
- Prominent, clear and legible notices are to be displayed on all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- No bright lights outside the premises;
- Bins outside premises;
- Book for recording nuisance complaints;
- Telephone with direct cab line;
- Display of transport timetables at the exit of premises;
- A specified time between last sales and the closure of the premises;
- Supply of free soft drink, water, coffee or food at the end of the evening.

65. Conditions must focus on measures within the direct control of the licence holder or club.

### Transport

66. Applicants are encouraged to inform the Licensing Authority about the provision of transport for customers leaving the premises. If transport is readily available, this may decrease the risk of customers causing nuisance or disturbance to residents or local business. Furthermore, applicants are encouraged to provide patrons with information about the provision of transport (eg on a notice board near the exit) and to provide free phone links to mini cab companies etc.

### Outside eating or drinking areas

67. Where the applicants premises contains an outside eating or drinking area, the Licensing Authority should consider the following:

- Whether the outside eating or drinking area is within close proximity of residential housing;
- Whether the outside eating or drinking area could have an adverse effect on those living in the area;
- The hours that the applicant intends to sell food or drink for consumption in the outside area;
- Measures for the collection of glasses, crockery, cutlery and litter.

68. Where a premises includes an outside eating or drinking area, the applicant must state what steps they have taken to minimise noise escape. The Licensing Authority will expect applicants to specify voluntary conditions that address this issue, such as early closure of the outside drinking area in relation to the terminal hours for the inside of the premises.
69. The applicant will be expected to address the nuisance objective where its patrons are known to use the highway (ie drinking on pavements) or public open spaces.

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

70. The protection of children from harm includes moral, psychological and physical harm.
71. The Licensing Authority will give considerable weight to representations made by child protection bodies and the police that are supported by evidence. The Council's Children and Families Department of Social Services is the responsible authority in respect of children.
72. Nothing in this statement of policy shall require that premises give access to children.
73. When deciding whether to limit access to children or not the Licensing Authority will judge each application on its merits. Examples, which may give rise to particular concern in respect of children, would include premises:

- Where “adult entertainment” is provided;
- Where there have been convictions of current management for serving alcohol to minors or with a reputation for allowing underage drinking;
- Where the requirement for proof of cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (but not small numbers of cash prize machines);
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

#### Factors for the Licensing Authority to consider

74. Upon receiving a relevant representation in relation to a premises licence (or provisional statement) or club premises certificate, the Licensing Authority in making its determination must promote this licensing objective. Examples of what could be considered include:

- What measure are taken, or proposed to be taken, to check the age of those who appear to be under the age of 18;
- The likelihood of children under the age of 18 being attracted to the premises;
- Whether there is an emphasis on gambling or “adult entertainment” (and the placement of gaming machines so that they are properly supervised);
- Whether the supply of alcohol is the primary purpose;
- Measures taken to ensure that the consumption of alcohol is restricted by age;
- Whether there are problems with underage drinking on the premises;
- Measures to restrict children from viewing films that are inappropriate for their age.

#### Conditions

75. Annex H of the Guidance provides examples of conditions that may, in individual cases, be necessary to promote the protection of children from harm.
76. Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and may include (paragraph 7.52 of the Guidance)

- where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made to individuals under 18 years;
- limitations on the hours when children may be present;
- limitations on the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of the premises to which children may have access;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for accompanying adult;
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

77. The Guidance clearly states that the “Secretary of State does not wish to see the development of family-friendly environments frustrated by overly restrictive conditions in respect of children where there is no good reason to impose them” (para 7.49 of the Guidance).

Exhibition of film

78. Where the applicant exhibits a film, the Licensing Authority will expect applicants to include in their operating schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (BBFC) (see Appendix E) or the Licensing Authority itself.