



The Licensing Act 2003

Herefordshire Council: Statement of Licensing Policy 2011/2013

Environmental Health & Trading Standards

COMING INTO EFFECT 7th JANUARY 2011

LICENSING UNIT
COUNTY OFFICES
BATH STREET
HEREFORD
HR1 2ZF

Email: Licensing@herefordshire.gov.uk

Tel: 01432 260105

DRAFT

CONTENTS

Forward	Foreword By Councillor John Hope, MBE, Chair Of Licensing Committee	
1	Introduction	1 - 3
2	Scope of this Policy	4 - 5
3	Policy Consultation and Review	6 - 7
4	Determinations of Applications	8
5	Administration, Exercise and Delegation	9 – 11
6	Responsible Authorities, Interested Parties and Representations	12 -16
	6.6 Relevant Representation	14 - 16
7	Application Consultation	17 - 19
8	Premises Licence	20 - 25
	8.1 New Applications	20 - 21
	8.7 Variations to existing Premises Licences	22
	8.8 Designated Premises Supervisor	22
	8.11 Wholesale of Alcohol	22
	8.12 Internet and mail order sales	22
	8.13 Regulated Entertainment	23
	8.14 Late Night Refreshment	23
	8.15 Bingo Clubs	24
	8.16 Petrol Stations	24
	8.17 Vehicles and Moveable Structures	24
	8.18 Vessels and Ships	24
	8.19 Sports Grounds	25
	8.20 Hotel Mini Bars	25
9	Club Premises Certificates	26
10	Provisional Statements	27
11	Conditions on Premises Licences and Club Premises Certificates	28
12	Film Classification	29 - 30
13	Hours of Licensed Activities	31 - 32

14	Opening Hours	33
15	Personal Licences	34
16	Temporary Event Notices	35 - 36
17	Appeals	37
18	Reviews and Complaints About Licensed Premises	38 - 40
	18.3 Failed Test Purchases	38
	18.4 Crime and Disorder	39
	18.5 Reviews launched by members of the public	39 - 40
19	Enforcement Policy	41
20	Prevention Of Crime and Disorder	42 - 59
	20.1 General	42
	20.5 Training	43
	20.9 Designated premises supervisor (DPS)	43
	20.10 Risk Assessment for the Police	43
	20.12 Behaviour of Customers Outside Licensed Premises	44
	20.14 Door Supervisors	44
	20.18 Incident Report Book	45
	20.19 Radio Pagers	45
	20.24 The use of glass in licensed premises	47
	20.29 CCTV	48
	20.33 Open containers not to be taken from the premises	49
	20.34 Capacity limits	50
	20.36 Proof of age cards	50
	20.37 Crime prevention notices	50
	20.38 Signage	50
	20.40 High Volume Vertical Drinking	51
	20.42 Premises in the Hereford City - Football	51
	20.44 Adult Entertainment & Services	52 - 59
21	Public Safety	60
	21.1 General	60 - 61
	21.7 Safer Clubbing Guide	61 - 62

	21.11	Safety Advisor Group	62
	21.12	Escape Routes	62 - 63
	21.13	Safety Checks	63
	21.14	Capacity limits	63
	21.15	Emergency action notices	63
	21.16	Access for emergency vehicles	63
	21.17	First Aid	64
	21.18	Lighting	64
	21.19	Temporary electrical installations	65
	21.20	Indoor sporting events	65
	21.21	Alterations to the premises	66
	21.22	Special effects	66
	21.23	Theatres, cinemas, concert halls and similar places	67
22		Prevention of Public Nuisance	68 - 72
	22.1	General	68
	22.5	Planning Building Control	68
	22.9	Zoning	69 - 70
	22.14	Management and control of customers	70
	22.15	Hours	70 - 71
	22.17	Noise and vibration	71
	22.18	Litter	71 - 72
	22.19	Noxious smells	72
	22.20	Light Pollution	72
23		The Protection of Children from Harm	73 - 86
	23.1	General	73 - 78
	23.17	Adult Entertainment Services	78 - 79
	23.20	Access for children to licensed premises – in general	79 - 80
	23.21	Exhibition of Films	81 - 82
	23.24	Theatres	82
	23.26	Performances especially for children	82
	23.29	Children in performances	83 - 84
	23.30	Challenge 25	84 - 86
24		Information Sharing	87

	24.1	Licensing Act 2003	87
	24.2	Data Protection Act	87
	24.4	Requests for Information	87
25		Other references & Guidance	88
26		Other Policies and Objectives	89 – 94
	26.4	The Human Rights Act 1988	90
	26.5	The Disability Discrimination Act 1995	90
	26.6	Herefordshire’s Race Equality Strategy	91
	26.7	Government Drinking Strategy	91
	26.8	Herefordshire’s Crime & Disorder Strategy	92
	26.9	Government & Police Guidance for Clubs and other licensed premises	92
	26.10	Tourism & Employment	93
	26.11	Fire Protocol	93
	26.12	Planning Permissions	93 – 94
		ANNEX 1 - SPECIAL CUMULATIVE IMPACT	95 – 98
		POLICY	
		Index	

FOREWORD BY COUNCILLOR JOHN HOPE, MBE, CHAIR OF LICENSING COMMITTEE

This is the third Statement of Licensing Policy produced by the Herefordshire Council as the Licensing Authority under the Licensing Act 2003. It is a legal requirement that this policy should be reviewed at least every three years or more frequently if required.

Over the preceding two policies the act has continued to evolve and in some respect matters have become clearer whilst in others what appeared to be clear has been diluted through legal challenge. I am not convinced that the Act has achieved all that it set up to do so. However, in the very near future undoubtedly some aspects of the act will change and again this will mean a revisiting of this policy. This product is the product of wide consultation from all sections of the community.

The scope of this Policy covers the following:

- Retail sales of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The purpose of the Statement is to set out the policies and procedures that Herefordshire will apply in relation to its functions under the Act, most particularly regarding applications for new licences, applications to vary existing licences and applications to review licences.

Everything the Council does is underpinned by the requirement to promote the four licensing objectives. These four fundamental objectives are:

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

All parties have a duty to promote these objectives and we will continue to work closely with statutory responsible authorities, licence holders and their staff, SIA door staff and other interested parties to include members of the public. The Policy highlights the need for those operating licensed premises to be aware of the effect their premises may have on local residents and to make every effort to minimise anything that adversely affects residents' quality of life.

We will expect anyone appearing in front of a Licensing Sub-Committee that adjudicates on opposed applications to be fully aware of the terms of this policy in order to show that they too are fulfilling their statutory duty to promote the licensing objectives.

In particular, in reviewing its Licensing Policy the Council consulted on whether there was a need to continue with the Cumulative Impact Policy in relation to Hereford City. In essence this decision applies a presumption against extending or granting licences in the areas to which the policy applies. This special policy will not prevent applications being made in these areas and each case will be determined on its own merits but applicants will have to comprehensively demonstrate in their application that their proposals will not add to existing problems in the area. Full details and maps of the areas are contained in the text of the policy.

We recognise the very positive contribution that well managed premises can make to the Council's wider objectives through contributing to the economy and helping to tackle crime and disorder.

Through the implementation of the Licensing Act, Statutory Government Guidance and this Licensing Policy and by working closely with both regulatory and business partners we will continue to provide advice and guidance as well as compliance of standards for both residents and businesses in the County to ensure that licensed premises are well managed

and have a positive impact on the cultural, community, leisure and entertainment facilities within Herefordshire.

This Statement will be widely circulated and will be available at all times on the Council's website.

DRAFT