



The Licensing Act 2003

Herefordshire Council: Statement of Licensing Policy 2011/2013

Environmental Health & Trading Standards

COMING INTO EFFECT 1st February 2011

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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.