



THE LICENSING ACT 2003
STATEMENT OF LICENSING POLICY

7TH JANUARY 2021

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Licensing Act 2003
Huntingdonshire District Council Statement
of Licensing Policy for

Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

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1. Executive Summary

- 1.1 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy beginning with such day as the Secretary of State may by order appoint. The last policy commenced on 7th January 2016 and was initially for a period of three years, but was extended to five years following the Police Reform and Social Responsibility Act 2011.
- 1.2 This policy statement will therefore take effect from 7th January 2021. The policy statement will remain in existence for up to five years. This Licensing Authority may make revisions to it as it considers appropriate. It will be subject to review and further consultation before 7th January 2021, or as required by law.
- 1.3 Huntingdonshire District Council is the authority responsible for the licensing of such activities within Huntingdonshire and is referred to in this statement as the 'Licensing Authority'. This document sets out the Licensing Authority's policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 It is recognised that licensed entertainment provides a valuable contribution which can have a positive impact towards the economy of the area. This authority seeks to balance the needs of local businesses and licensees, whilst protecting those of local residents and giving tougher controls for the police and the Licensing Authority.
- 1.5 This Licensing Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 1.6 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.7 The Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. This Council may deviate from this policy but will demonstrate good reasons for doing so.
- 1.8 The policy relates to all types of premises covered by the Act.

2. Purpose and Scope of the Licensing Policy

- 2.1 The Licensing Authority has a duty under the Act to carry out its functions by promoting the four licensing objectives, which are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance, and
 - the protection of children from harm

- 2.2 The Act regulates the following activities:
- the sale by retail of alcohol
 - the supply of alcohol by or on behalf of a club, or to the order of a member of a club
 - the provision of regulated entertainment
 - the provision of late night refreshment
- 2.3 The Licensing Authority will take this policy into account where its discretion is engaged (i.e. at a hearing following relevant representations).
- 2.4 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally.
- 2.5 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.6 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and to have any such application considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 2.7 Licensing is about regulating licensable activities on licensed premises, such as qualifying clubs, pubs and temporary events which fall within the terms of the Act. Any conditions imposed will focus on matters that individual licensees and others in possession of relevant authorisations are able to control.
- 2.8 *Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations have been made.***
- 2.9 This Licensing Authority will primarily focus on the direct impact the activities taking place at the licensed premises will have on those living, working or engaged in normal activity in the area concerned.
- 2.10 Licensing law is not the primary mechanism for the general control of nuisance and anti- social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy in Huntingdonshire.
- 2.11 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.
- 2.12 *In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State.***

Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.

- 2.13 ***It is now possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The council has issued guidance on this process which can be accessed on the council's website.***

3. Duplication

- 3.1 So far as is possible, this policy seeks to avoid duplication with other regulatory regimes and if the control measures contained in any conditions sought are already provided for in other legislation, they cannot be imposed in the context of licensing law. It is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety (First Aid) Regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005.

4. Strategies and Partnership working

- 4.1 By consultation and liaison, the Licensing Authority seeks to secure the proper integration of this licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural, health and wellbeing strategies and any other plans introduced for the management of the town centres and the night-time economy. Many of these strategies may impact upon the four licensing objectives.

5. Impact of Licensed Activity

- 5.1 *Where no representations are made the council will grant a licence subject to conditions consistent with operating schedule.*
- 5.2 *When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.*

Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:

- the style of operation, the numbers of customers and customer profile likely to attend the premises*
- the location of the premises and the proximity of noise sensitive properties*
- the proposed hours of operation*
- any proposed methods for the dispersal of customers*
- the scope for mitigating any impact*
- the extent to which the applicant has offered conditions to mitigate the impact*
- how often the activity occurs*

5.3 *In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the council may take into account, in addition to the above matters, any evidence:*

- *of past demonstrable adverse impact from the activity especially on local residents or businesses*
- *that if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.*

6. Licensing Committee

6.1 *The council has appointed a licensing committee of 15 Councillors. Licensing functions will often be delegated to a licensing subcommittee of consisting of not less than 2 Councillors or, in appropriate cases to officers of the council.*

6.2 *Councillors will have regard to the Huntingdonshire District Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or subcommittee has a disclosable pecuniary interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.*

6.3 *A subcommittee may refer an application to another subcommittee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.*

6.4 *The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question*

Representations

6.5 ***Depending on the type of application representations may be made by a responsible authority or other people (as defined by the Licensing Act 2003). The council has agreed protocols with responsible authorities and issued guidance to other people making representations, setting out the detail of the process. Guidance is available on the council website or by contacting Licensing.***

6.6 ***Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application need to be aware that their personal details will be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body such as a residents association about submitting the representation on their behalf. The council is not able to accept anonymous representations. In addition the council cannot accept petitions which do not follow the guidance on the council's website.***

6.7 ***Where a representation is received which is not from a responsible authority the council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.***

6.8 ***'Relevant representations' are representations:***

- ***about the likely effect of the premises licence on the promotion of the licensing objectives;***
- ***which have not been withdrawn and are not, in the opinion of the council, frivolous or vexatious.***

6.9 ***Where relevant representations are received about an application the council will hold a hearing to consider them unless the council, the applicant and everyone who has made representations agree that the hearing is not necessary.***

Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.

- 6.10** ***Where hearings are required as a result of relevant representations, the council may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and avoid the need for a hearing. Such an extension of time is considered to be in the public interest.***

7. Live Music Act

- 7.1** The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music.

- 7.2** Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

8. Operating Schedules

- 8.1** ***Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to the council's Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.***

- 8.2** ***Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:***

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young people may congregate;***
- Any risk posed to the local area by the proposed licensable activities; and***
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local pub watch schemes, community based schemes which may help mitigate potential risks.***

- 8.3** ***Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.***

9. Objectives

Each objective is of equal importance, and the four objectives will be paramount considerations for the council at all times.

- 9.1 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 9.2 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 9.3 The council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from Entertainment Licensing. Guidance issued by the responsible authorities can be found on the council's website or by contacting Entertainment Licensing.

Prevention of crime and disorder

Under the Crime and Disorder Act 1998, the council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

Conditions attached to premises licenses and club premises certificates will so far as possible reflect local crime prevention strategies and should be targeted on deterrence and preventing crime and disorder e.g. the use of closed circuit television cameras in certain premises, or a requirement for door supervisors, with security staff holding an appropriate licence.

Various 'PubWatch' schemes operate in Huntingdonshire which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. This Licensing Authority is supportive of such schemes and considers premises should join where it is appropriate to do so.

There are many steps an applicant may take to prevent crime and disorder. The council will look to the Police for the main source of advice on these matters.

Public safety

This Licensing Authority recognises that licence holders have a responsibility to ensure the safety of those using their premises. Matters in relation to public safety that could be considered include, fire safety matters, the presence of trained first aiders on the premises, waste disposal methods and CCTV provision. The measures that are appropriate to promote public safety will vary between premises and these matters may not apply in all cases.

Applicants should consider their individual circumstances when making applications, which steps are appropriate to promote the public safety objective and to demonstrate how they will achieve it.

The prevention of public nuisance

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law definition.

The public nuisance objective is designed to focus on the effect of licensable activities at specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. These issues may concern noise nuisance, light pollution, noxious smells and litter.

Noise nuisance will usually concern steps to control the levels of noise emanating from the premises e.g. noise limiters, that doors and windows remain closed, or notices asking patrons to leave quietly.

The protection of children from harm

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided.

Applicants will be expected to be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors, or with a reputation for allowing underage drinking;
- it is known that unaccompanied children have been allowed access;
- there is known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

A very serious view is taken of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with the appropriate external partners, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence. ¹The Licensing Authority will maintain close contact with our partners regarding unlawful activities and share actions and intelligence where appropriate

10. The Licensing Authority as a Responsible Authority

- 10.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take

any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.

- 10.2 This Licensing Authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) . Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 10.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.
- 10.4 In cases where this Licensing Authority is also acting as responsible authority there will be a separation of powers between those officers who exercise that role and those who administer the licensing application to ensure procedural fairness and eliminate conflicts of interest.

11. Responsible Authorities:

Police:

The Chief Officer of Police, Cambridgeshire Constabulary , Huntingdon Police Station,
Ferrars Road,
Huntingdon, PE29 3DQ
Tel: 01480 456111

Fire and Rescue:

Cambridgeshire Fire and Rescue Service, Fire Safety Department, Huntingdon Fire
Station, Hartford,
Huntingdon, Cambs, PE29 3RH

Child Protection:

Child Protection Services, Licensing Applications, OCYPS, PO Box 144, St Ives,
Cambs, PE27 9AU
Tel: 0345 045 5203

Public Health:

The Director of Public Health, C/O Head of Public Health Programmes,
Cambridgeshire County Council, Scott House, PO Box No SCO2213, 5, George Street,
Huntingdon, PE29 3AD

Trading Standards:

Supporting Business and Communities, Cambridgeshire County Council, PO Box 450,
Great Cambourne, Cambridge, CB23 6ZR

The Licensing Authority, Planning, Environmental Protection and Health and Safety:

The Licensing Authority - Licensing
Planning – The Head of Planning Services
Environmental Protection and Health & Safety – The Chief Operating Officer
Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon,
PE29 3TN
Tel 01480 388388

In addition, for vessels:

Great Ouse and Stour Waterways, Environment Agency, Kingfisher House, Goldhay
Way, Orton Goldhay, Peterborough, Cambs, PE2 7ZR
Tel 01733 371811

The Surveyor in Charge, Maritime and Coastguard Agency, East Terrace, Walton-on-
the-Naze, Essex CO14 8PY
Tel 01255 682107

The Team Leader, River Nene, Nene House, Pytchley Road Industrial Estate, Pytchley
Lodge Road, Kettering, Northants, NN15 6JN
Tel 01536 517721

12. Planning

- 12.1 The planning and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing Committees are not bound by decisions made by a planning committee and vice versa. It should be noted however that there is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission.
- 12.2 When a terminal hour has been set as a condition of planning permission that is different from the licensing hours, the applicant must observe the earlier of the two closing times.
- 12.3 Where appropriate there will be liaison between the Licensing Committee and the Planning Committee.

13. Licensing Hours

- 13.1 When the Licensing Authority's discretion is engaged, consideration will be given to the individual merits of an application in line with the four licensing objectives and any relevant representations.
- 13.2 This Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 13.3 Shops, stores and supermarkets, will generally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives for restricting those hours.

14. Temporary Event Notices

- 14.1 *The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. In general, only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded. This requires the notification of a qualifying event to the Licensing Authority, Environmental Health and Cambridgeshire Constabulary, subject to fulfilling certain conditions.*
- 14.2 *There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. In both instances this does not include the date of the event or the date the council receives the notice.*
- 14.3 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice, given the possibility of police intervention. Event organisers are encouraged to contact the police and environmental health as early as possible about their proposed event(s).
- 14.4 Where the application is not within the parameters defined in the legislation, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 14.5 Notice givers will be advised of police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises.

15. Sexual Entertainment

- 15.1 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 15.2 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly.

16. Entertainment Provision

- 16.1 This Licensing Authority welcomes a broad range of entertainment provision for enjoyment by a wide cross-sector of the public. The Authority will endeavour to strike a balance between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives.

17. Cumulative Impact and Special Policies

- 17.1 Cumulative impact is the potential impact on the promotion of the licensing objectives

of a significant number of licensed premises concentrated in one area.

- 17.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that this Licensing Authority can consider.
- 17.3 This Licensing Authority can adopt a special policy on cumulative impact if there is an evidential basis that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 17.4 The absence of a special policy does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.
- 17.5 If after considering the available evidence and consulting relevant individuals and organisations, this Licensing Authority is satisfied that it is appropriate to include an approach to cumulative impact in the statement of licensing policy, a special policy will be included in the statement that the licensing authority will generally refuse new applications for premises licences or club premises certificates whenever relevant representations are received about the cumulative impact on the licensing objectives.
- 17.6 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy will be:
- the identification of concern about crime and disorder, public safety, public nuisance or the protection of children from harm;
 - consideration as to whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
 - if such problems are occurring, to identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - identification of the boundaries of the area where problems are occurring;
 - consultation with those specified in the Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Other mechanisms for controlling cumulative impact

- 17.7 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - the confiscation of alcohol from adults and children in designated areas;
 - police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
 - prosecution for the offence of selling alcohol to a person who is drunk (or

allowing such a sale);

- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question;
- raising a contribution to policing the late night economy through the Late Night Levy;
- Early Morning Alcohol Restriction Orders

17.8 The above may be supplemented by other local initiatives that seek to address these problems, for example through the Huntingdonshire Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the district.

18. Early Morning Restriction Orders

18.1 The power for this Licensing Authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions and the regulations prescribing the requirements in relation to the process were brought in force on 31st October 2012. Government Guidance has also been produced.

18.2 The legislation provides this Licensing Authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti- social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

18.3 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

18.4 The decision to implement an EMRO will be evidence based. The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the licensing committee.

19. Late Night Levy

19.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

19.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions. Government Guidance has been produced.

19.3 These powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. The function of making, varying or ceasing the requirement for a levy may not be delegated to the licensing committee.

20. Public Spaces Protection Order

20.1 The Designated Public Place Order (DPPO) was replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. DPPO's continue to be valid for a period of three years following commencement of the PSPO. Once the three-year period expires, they are treated as a PSPO and enforceable as such. At the time of reviewing this policy the following orders are in place:-

- ***identified areas of St Ives (To prevent anti-social use of vehicles) expires May 2023***

21. Children

21.1 There are a great variety of premises for which licences may be sought, including theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets, community halls and schools, as well as public houses and nightclubs.

21.2 This Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of harm to children. Conditions requiring the admission of children to any premises cannot be attached to licences or certificates.

21.3 No statement of policy can properly anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application will be considered in each case.

21.4 Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm will be carefully considered. Conditions restricting access of children to premises will also be considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors, or with a reputation for allowing underage drinking;
- it is known that unaccompanied children have been allowed access;
- there is known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

21.5 The range of alternatives which may be considered for limiting the access of children where they are appropriate to protect children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18)
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

21.6 The Licensing Authority commends the Portman Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

- 21.7 This Licensing Authority recognises the Office of Children and Young People's Services (Social Care) of Cambridgeshire County Council as being competent to advise on matters relating to the protection of children from harm.
- 21.8 Where a premises licence or club premises certificate authorises the exhibition of a film, a condition will be included requiring the admission of children to films be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence e.g. the British Board of Film Classification, or by this Authority itself.
- 21.9 This Licensing Authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (or other body designated under section 4 of the Video Recordings Act 1984) or the licensing authority itself.

22. Alcohol Deliveries

22.1 *An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:*

- The person they are selling alcohol to is over the age of 18***
- That alcohol is only delivered to a person over the age of 18***
- That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer***
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.***

23. Staff Training

23.1 *The council recommends that all people employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly people employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises.*

23.2 *It is also recommended that people employed on premises providing entertainment for children and youths attend training programmes in basic child protection and safety, and if appropriate have the necessary DBS checks.*

23.3 *All people employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises*

24. Conditions

- 24.1 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions.
- 24.2 Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 24.3 Blanket standard conditions will not be imposed without regard to the merits of the individual case.

25. Reviews

- 25.1 The proceedings set out in the Act for reviewing premises licences and club premises certificates represents a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 25.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask this Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 25.3 This Licensing Authority will work in partnership with other responsible authorities to achieve the promotion of the licensing objectives and will give licence or certificate holder's early warning of any concerns identified at a premises. The Licensing Authority will also encourage other responsible authorities to do the same.
- 25.4 When a review has been requested the role of the Licensing Authority will be to administer the process and determine its outcome at a hearing. Where the Licensing Authority had applied to review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest.
- 25.5 This Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any appropriate steps to promote the licensing objectives. In appropriate cases this Authority may issue an informal warning to the licence holder and/or recommend improvement within a particular period of time. Any warnings will be issued in writing.
- 25.6 Where this Licensing Authority considers that action under its statutory powers is appropriate it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - exclude a licensable activity from the scope of the licence;
 - remove the designated supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 25.7 In cases where the crime prevention objective is being undermined, this Licensing Authority will seriously consider revocation of the licence, even in the first instance.

26. Enforcement

- 26.1 This Licensing Authority will consult and liaise with the local police and any other relevant enforcement body on enforcement issues. This will provide for the targeting of agreed problem and high- risk premises which require greater attention while providing a lighter touch for low risk premises or those that are well run.
- 26.2 In general, action will only be taken in accordance with the Council's licensing compliance and enforcement policy, as adopted at the time, which reflects the Council's obligations relating to licensing enforcement. The key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained. The policy is available on our website www.huntingdonshire.gov.uk or a copy can be made available upon request. This Licensing Authority will also have regard to the Regulators' Code <https://www.gov.uk/government/publications/regulators-code> or any future replacement.

27. Licence Suspensions

- 27.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. The procedure to be used is set out in regulation.

28. Administration, Exercise and Delegation of Functions

- 28.1 The functions of the Licensing Authority under the Act may be taken or carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 28.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part be delegated to officers as set out in the Huntingdon District Council Constitution.
- 28.3 On applications where there are relevant representations these will be dealt with by a Committee or sub-committee of the Licensing Authority, as will any application for review of a licence.
- 28.4 This Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 28.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.
- 28.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.

29. Advice and Guidance

- 29.1 Advice can be obtained via the Licensing Team and we will assist people on the types of licences they will need to apply for, the team can be contacted in the following ways:-

Website:

www.huntingdonshire.gov.uk

Email :

licensing@huntingdonshire.gov.uk

In person or writing to:
The Licensing Team
Huntingdonshire District
Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

30. Appendices

- 30.1 The following appendices are provided with this policy:
Appendix 1 – Delegation of Functions
Appendix 2 – Other policies, legislation and guidance sources
Appendix 3 – Useful references (organisations)

31. Equal Opportunities

- 31.1 This Licensing Authority will have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 31.2 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

32. Review of the Policy

- 32.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. In addition, Section 5(4) of the Act provides that the licensing authority must keep its policy under review during each five year period and make appropriate revisions. Again, any revisions will be subject to consultation.
- 32.2 Where a special policy relating to cumulative impact or early morning restriction orders is adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding.

Appendix 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
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 to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Application for interim authorities	-	If a police objection	All other cases
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 a local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of application to vary premises licence at community premises to include alternative licence	-	If a police objection	All other cases
Decision whether to consult on other responsible authorities on minor variation application	-	-	All cases
Determination of minor variation application	-	-	All cases
Determination of a police objection to a temporary event notice	-	All cases	-

Appendix 2 - Other policies, legislation and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

(i) Legislation

- The Health and Safety at Work etc. Act 1974
- The Environmental Protection Act 1990
- The Noise Act 1996
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Anti-Social Behaviour Act 2003
- The Clean Neighbourhoods and Environment Act 2005
- The Gambling Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health Act 2006
- Violent Crime Reduction Act 2006
- Policing and Crime Act 2009
- Equalities Act 2010
- Crime and Security Act 2010
- The Police Reform and Social Responsibility Act 2011
- Live Music Act 2012
- Anti-social Behaviour Crime and Policing Act 2014
- Deregulation Act 2015
- Police and Crime Act 2017

Note: These and other relevant pieces of legislation can be found at www.opsi.gov.uk

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy in Cambridgeshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Crime & Disorder Reduction Strategy
- Council's Licensing Compliance and Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- Memorandum of Understanding and Joint Enforcement Protocol
- National and local PubWatch schemes
- Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

- Purple Flag (ATCM)
- Regulators' Code
- Safer Socialising

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [BRDO Age Restricted Products and Services – Code of Practice](#)
- [Guidance on Running Events Safely](#)
- [The Purple Guide](#)
- [Licensing Large Scale Events \(Music Festivals etc\)](#)
- [Managing Crowds Safely](#)
- [Five Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts](#) (national BIDS advisory service)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)

(iv) Relevant case law regarding policy statements

- Limits of licensing policy:
[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#)
- “Strict” licensing policies and exceptions to policy:
[R \(Westminster City Council\) v Middlesex Crown Court and Chorion plc \[2002\] LLR 538](#)
- Cumulative impact policies and hours
[R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#)
- Duplication and conditions:
[R \(on the application of Bristol Council\) v Bristol Magistrates' Court \[2009\] EWHC 625 \(Admin\)](#)
- Extra-statutory notification by the licensing authority:
[R \(on the application of Albert Court Residents Association and others\) v Westminster City Council \[2010\] EWHC 393 \(Admin\)](#)
- The prevention of crime and disorder: ambit of the objective
[Blackpool Council, R \(on the application of\) v Howitt \[2008\]](#)
- Crime and disorder: sanctions on review: deterrence
[Bassetlaw District Council, R \(on the application of\) v Workshop Magistrates Court \[2008\]](#)

Note: This list is not exhaustive

Appendix 3 Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

British Institute of Inn Keeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>