

**NOTTINGHAM CITY COUNCIL**

**COUNCIL MEETING**

**16 JULY 2007**

**AGENDA ITEM 9**

**LICENSING MATTERS**

**APPENDICES 1 - 5**

# **APPENDIX 1**

## **STATEMENT OF LICENSING POLICY**



**NOTTINGHAM CITY COUNCIL**

**STATEMENT  
OF  
LICENSING POLICY**

2008 - 2011

For Consultation

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Date: May 2007

Revision: draft 5

## PREFACE

This Statement of Licensing Policy, sets out the City Council's policies and proposals for the determination of licence applications and related matters in accordance with the Licensing Act 2003.

It fully replaces the Nottingham Statement of Licensing Policy adopted by the City Council in December 2004 as revised by the addition of a special policy in respect of cumulative impact (the 'Saturation Zone'), in July 2005. This statement comes into effect on 7th January 2008

The Statement of Policy has been put forward for review in the context of matters arising from:

- The Licensing Act 2003
- Statutory guidance issued under s182 of that Act
- The experiences the City Council as a Licensing Authority
- Relevant matters arising from the revision of the Nottingham City Council Local Plan and other key policies and strategies as appropriate.

The City Council has consulted widely over this Statement of Policy which sets out the policies to which the Authority will have regard when undertaking its duties under the Licensing Act 2003.

The Authority consulted the persons/organisations listed in Section 5(3) of the Act. Our consultation took place between XXXX and XXXX 200X and followed the Better Regulation Executive revised Code of Practice and the Cabinet Office Guidance on Consultations by the public sector. Responses made through consultation and the consideration by the Authority of those responses is available on the Authority's website at the address shown in appendix C.

This Statement of Policy was approved at a meeting of the Full Council on XXXX and was published on its website on XXXX. Copies are available at the offices of the Licensing Service, Lawrence House or by downloading from the website.

Should you have any comments as regards this policy Statement of Policy please send them via e-mail or letter to the following contact:

The Licensing Officer, Lawrence House, Talbot Street, Nottingham NG1 5NT.

e-mail: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

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# 1 INTRODUCTION

- 1.1 Nottingham City Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing authorities to prepare and publish a Statement of Policy that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The Statement of Policy will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The Statement of Policy must be produced following consultation with those bodies and persons set out in subsection (3) of section 5. This Statement of Policy meets the requirements of the Guidance issued by the Government under S182 of the Act as revised in June 2006
- 1.2 The City of Nottingham is situated in the County of Nottinghamshire, which contains 8 District Councils in total. The City Council administers an area of 7465 hectares and had a population at mid-2003 of 277,100 with an average age of 35.9 years, comprising 26.6% of the total population of Nottinghamshire. In terms of area it is the one of the smallest Councils in the County but holds around a third of the County's premises licensed under the Licensing Act 2003.
- 1.3 Nottingham is at the centre of the Greater Nottingham area, which comprises the City of Nottingham and the immediate surrounding districts of Broxtowe, Gedling, Rushcliffe and the Hucknall area of the district of Ashfield. It is overwhelmingly urban; 43% of its population lives within the City of Nottingham. The total population with the Greater Nottingham area is 632,000. The travel-to-work area population is 742,600. Over 3 million people live within 1 hour's drive of Nottingham
- 1.4 The City Council's area is primarily urban with a central core area that contains the main retail offer for the City within an area of 231 hectares. Within the core many developments are underway to develop inner-city housing; the 2001 census identified a population of 3,260 in the City Centre with an average age of 33.7; this is considered to be an underestimation. By mid-2006 it was estimated that the population of the City Centre was around 8,000 and this included a high number of students. The majority of residents are between 18-34 years. Over 4,000 further dwellings are currently planned – an increase of 80% on September 2004 - to provide accommodation suitable for young professionals and childless couples.

- 1.5 The Census of April 2001 showed 16 per cent of the resident population in the City aged 16-74 years were school pupils or full-time students. This compared with 7 per cent of the population in England and Wales. Over a quarter of the City's population is under 20. The most significant difference between the City age grouping and England's is in the 20-24 year age range (13.6% and 6.3% respectively). This is primarily due to the number of students attending the two universities where, during term time, the City has a population of some 55,000 students. In Greater Nottingham 9.1% of residents are aged 20-24 years. Over 30,000 full time students, aged 18 and over, live in the City. This is equivalent to one in 9 of the City's population.
- 1.6 Nottingham is the regional centre for culture and leisure in the East Midlands. It has a vibrant city centre, a flourishing multi-cultural artistic scene, major sporting and entertainment venues, theatres, cinemas and a range of local community facilities and events. The City Council has wide experience in regulating entertainment. Licensed entertainment in the City Centre contributes to its appeal to tourists and visitors from many miles around as a vibrant city with an active nightlife. The size, the diversity and the concentration of entertainment in the City Centre does lead to problems in the late night economy and an active programme of action to tackle crime and disorder and public nuisance has been on-going for some years. The launch of the Best Bar None scheme in early 2006 is an attempt to encourage through responsible management, a better quality of offer in bars pubs and clubs leading to improvements in customer safety, social responsibility and hence less complaints by customers, local residents and businesses.
- 1.7 As a major provider itself, the City Council welcomes the diversity of leisure and entertainment opportunities available in Nottingham and recognises that the licensed leisure and entertainment industry has a major role to play in helping to keep Nottingham the success that it is. Businesses licensed by the Authority provide social and community spaces, facilities for residents and corporate groups and is a vital support infrastructure for related sectors such as retail and tourism. However, the Authority also recognises the problems that can be caused if licensed activities are not properly managed and premises well run.
- 1.8 Besides the City Centre Nottingham has four identifiable District Centres - Bulwell, Hyson Green, Clifton and Sherwood - which serve the local community and are accessible by a choice of transport. The District Centres are accessible locations for sustainable communities for shopping and make provision for public facilities

including sports, leisure, entertainment and arts facilities. Planning guidance issued by the Government introduced the 'sequential approach' to selecting sites for development for key town centre uses, with preference being given to sites within existing centres rather than on the edge of, or outside, centres. Each Centre has its own characteristics to which regard has been had in arriving at making policies applicable to those areas.

1.9 The City has about one third of the total number of liquor licensed premises in the County and at the start of the new regime under the 2003 Act there were some 1,100 licensed premises of all types including over 900 premises licensed to serve alcohol and some 500 venues providing entertainment that together were estimated as being capable of holding more than 110,000 people. Additionally there are around 200 premises licensed to supply late night refreshment. The entertainment industry brings cultural and financial benefits to the City and additional businesses operating in both the daytime and nighttime economy support that industry. The City Council believes that good management of its vibrant entertainment, alcohol and late night refreshment industries, and of the street environment within which it operates, is essential to the continued success of Nottingham City Centre and to attracting the wide range of people who want to come here to work, to visit and to live. However, the predominantly urban nature of the City and the significantly large proportion of young residents means that issues such as

- striking an appropriate balance between the needs of residents and the needs of businesses,
- the control of underage drinking, and
- the management of young and potentially immature drinkers,

are matters which are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees also need to consider.



## 2 THE LICENSING OBJECTIVES

- 2.1 In exercising their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 2.2 Guidance on the Licensing Objectives is available on the Government's website at: <http://www.culture.gov.uk/>
- 2.3 Licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.4 Licensing is about the management of licensed premises and activities within the terms of the Act. The terms and conditions attached to various permissions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 2.5 The promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from responsible authorities or interested parties all applications must be granted subject only to any mandatory conditions prescribed by the Act and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application

should be refused or, whether it would be possible to grant the licence subject to conditions such conditions as are felt appropriate to be attached to the licence by the Authority . However, before conditions can be imposed on a licence as a result of representations received, the Authority must be satisfied from the representations before it that the conditions are both necessary for the promotion of one or more of the licensing objectives, and are proportionate to the matter being addressed. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned.

### **3 CONSULTATION**

- 3.1 This Statement of Policy has been written with reference to with the requirements of Part 3 of the Government's "Guidance issued under s182 of the Licensing Act 2003" recent government advice including correspondence from the Minister to local authorities, and LACORS Licensing Guidance for local authorities. Consultation was carried out in accordance with Section 5 of the Act prior to adoption of this Statement of Policy Applicants for licence and other permissions, Interested Parties and Responsible Authorities are encouraged to read the Statement of Policy and have regard to the policies the City Council will apply in its role as Licensing Authority under the Licensing Act 2003.
- 3.2 The Authority operates a City Licensing Forum, which is a further means by which it gains feedback from stakeholders and partners. Officers and Members also attend by invitation the Citywatch scheme for local licensees (including takeaway operators,) which is based on the national Pubwatch scheme.

### **4 THE FUNCTIONS OF THE LICENSING AUTHORITY**

- 4.1 The Act gives licensing authorities a number of important regulatory functions in relation to licensing. Their main functions are to:
- issue a Statement of Policy of policy regarding the exercise of the licensing functions;
  - establish a licensing committee as required by the Act;
  - arrange for appropriate delegation of the licensing functions;
  - licence and regulate premises for the sale or supply of alcohol, late night

- refreshment and regulated entertainment;
- consider notices given for the temporary use of premises for licensable activities; and
- maintain a register containing prescribed information.

## **5 THE PURPOSE OF THE STATEMENT OF POLICY**

5.1 Section 5 of the Licensing Act 2003 (the Act) imposes a statutory duty upon licensing authorities to produce, develop and keep under review a Statement of Policy . The purpose of this Statement of Policy is to set out how Nottingham City Council as Licensing Authority (the Authority) intends to carry out its Licensing Functions and so promote the Licensing Objectives. The scope of this Statement of Policy covers the licensable activities defined in the Act.

5.2 The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications
- provide a clear framework for licensing strategies, including the effect known as ‘cumulative impact’
- support wider strategies of the City Council including the Local Plan, the Economic Development Strategy, the Local Transport Plan, the Alcohol Harm Reduction Strategy and the Evening Economy Strategy.

5.3 Through this Statement of Policy the authority seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the council and its partners in the Crime and Drugs Partnership, together with the licensed trade to help the Authority and the Council deal with problems that arise from licensable activities. This will be achieved by:

- Establishing and building upon best practice within the industry;
- Recognising and facilitating the role of partners and stakeholders;
- Encouraging self-regulation by licensees and managers;
- Providing a clear basis for the determination of licence applications;
- Supporting related policies and strategies of the Council; and
- An inspection and enforcement regime targeted at premises that present a high risk e.g. the premises have a track record of non-compliance with legal requirements; the activities present a real risk of harm to the public, etc.

## 6 HOW TO READ THIS STATEMENT OF POLICY

- 6.1 **The text of this Statement of Policy** in bold type **indicates the Statements of Policy with *the reason for each policy shown immediately after in bold italics.***
- 6.2 For convenience all policies are also listed separately at appendix A.
- 6.3 In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.5 above. It is not intended that this Statement of Policy duplicate existing legal requirements and obligations imposed by other regimes, however the Statement of Policy refers to them where appropriate.

## 7 STRATEGIC LINKS AND OTHER REGULATORY REGIMES

- 7.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Whilst the following is not meant to be an exhaustive list, it identifies the key areas which may inform and shape the policies contained in this Statement of Policy. The Authority will seek to have an active involvement in the development and review of these and all other related Council strategies by ensuring an appropriate exchange of reports and comments between the Licensing and other relevant committees or bodies.
- 7.2 This Statement of Policy reflects the general strategic framework of the City Council and more recent changes in government advice on licensing and matters such as Planning Policy Guidance Notes, recent reports on towns and cities and matters in connection with the operation of the late night economy. In particular it reflects elements of:
- 7.3 *The National Strategy for Neighbourhood Renewal* - a strategy for dealing with the most disadvantaged parts of the country (Nottingham is the 7<sup>th</sup> most deprived city in England). Neighbourhood renewal is about reversing the spiral of decline within these areas. The strategy is about working from the grassroots to deliver economic prosperity and jobs, safer communities, good education, decent housing, physical environment and better health, as well as fostering a new sense

of community among residents. Effective licensing controls will have a relevance to such aims.

- 7.4 *The City Council's Corporate Plan "Meeting the Challenge"* - the themes set out in the Corporate Plan are supported and promoted by the licensing objectives.
- 7.5 *The Local Transport Plan* - the dispersal of people from licensed premises quickly and safely using affordable public transport will help the City Council promote the public safety and prevention of crime and disorder objectives.
- 7.6 *The Economic Development Strategy* - the City Council will seek to attract new developments to the City that add value to the lives and economic wellbeing of its community and complement its Corporate Plan themes. Where licensable developments are proposed, licensing policies set out clear and achievable standards for those businesses to adopt in their promotion of the licensing objectives.
- 7.7 *The City Centre Review* - the big changes in the city over the last five to ten years have been underpinned by an integrated approach to planning, economic development and transport. The Masterplan, produced in 2005, sets the strategic spatial framework for the development of the city centre for a further ten years, providing clear guidance and a positive framework for the design of new buildings and spaces. A safe and successful leisure and entertainment sector are recognised as an important element in the continued economic success of the City which the policies in this Statement of Policy aim to promote and support.
- 7.8 *The Cultural Strategy* - the City is a major contributor to this County-wide Strategy. The City Council will, through this licensing policy aim to permit and promote a wide and diverse range of leisure and cultural activities many of which will be licensable. The licensing policies support this aim.
- 7.9 *The City Wide Community Plan* - the Community Plan is informed by the seven area-based Community Plans prepared by the City Council Neighbourhood Management Committees providing an area focus for improvement. Licensing policies support safer, quieter neighbourhood and promote amenity and community values through the use of cumulative impact policies in appropriate circumstances.

7.10 *The Nottingham City Alcohol Harm Reduction Strategy* - regard has been had in preparing this Statement of Policy, to the effect that alcohol has on drinkers and the manner in which licensed premises are operated in the City, and to national issues concerning alcohol misuse and the problems that are associated with operating the late night economy in the City. The risks to children and young people posed by alcohol is also recognised and reflected in the policies.

7.11 *Crime And Disorder Reduction Strategy* - the Nottingham Crime and Disorder Reduction Partnership has been established with the aim of tackling and reducing crime and disorder in the City. Results from the work of the Partnership will be used to inform the Licensing Authority and help shape and steer the direction of this policy during its life. Conditions attached to licences will so far as possible, reflect the Strategy. Liaison with the police and other partners on the application of the policy will take place at suitable intervals.

7.12 **Policy: STR 1**

**The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.**

***REASON: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.***

7.13 **PLANNING CONTROL**

7.14 Generally, the Authority will expect an applicant to have obtained the appropriate planning permission before making their licensing application. The Authority however recognises that there may be valid reasons why the application should be considered even though the planning status of the premises has not been finalised.

7.15 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues

of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action.

7.16 The Licensing and Development Control Committees of the City Council will liaise over relevant matters as necessary.

7.17 **GAMBLING ACT 2005 AND OTHER LICENSABLE ACTIVITIES**

7.18 Licensable activities carried on under other licensing regimes (eg Gambling Act 2005) at premises licensed under the 2003 Act shall be administered in accordance with the requirements of the statutes governing those other licensing regimes.

## **8 DELIVERING LICENSING SERVICES**

- 8.1 The Authority is committed to working with its licensing partners and stakeholders, (responsible authorities, interested parties and consultees,) in delivering its licensing services. Through this Statement of Policy the City Council as Licensing Authority encourages applicants, responsible authorities and interested parties to discuss proposals informally before submitting applications to ensure that all parties are informed of the impact that licensable activities may have on local communities. Through the Licensing Service the Authority will offer services including mediation and making guidance available to applicants, those making representation, and other interested parties, including about the general approach that the Authority will take in respect of licence applications and functions relevant to the licensing regime.
- 8.2 Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive or contrived controls will be introduced or imposed.
- 8.3 There are certain matters that the Authority is prevented from taking into account or from dealing with in a specified way. For example the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority. Cumulative impact and related matters are dealt with in section 10 of this Statement of Policy. Restrictions on trading hours may be considered where this is necessary to meet the Licensing Objectives e.g. in residential areas. With regard to the sale of alcohol the Government has emphasised that longer licensing hours are important to ensure that concentrations of customers leaving premises simultaneously are avoided (see Licensable Hours paragraph 9.48).
- 8.4 Other than in relation to cumulative impact the Authority is not entitled to create zones where it will refuse to grant licences of a certain type or impose standardised conditions relating to closing hours. Indeed the imposition of standardised conditions is itself prohibited as being disproportionate and burdensome. It should be noted, however, that the Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn.



- 8.5 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act.
- 8.6 The Authority will make available guidance on the licence application process and such further resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the Licensing Service web site or by contacting the authority direct (see appendix C “Contact Details”).
- 8.7 In acting for the Licensing Authority, the Licensing Service will maintain an impartial role in service delivery and cannot act in favour of one party over another.

## 9 APPLICATIONS

### 9.1 Five fundamental principles underpin the Act.

1. The main purpose of the licensing regime is to promote the licensing objectives;
2. Applicants for premises licences, or for major variations of such licences, are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications.
3. Professional bodies, expert in the areas concerned, should review operating schedules submitted as part of the application.
4. Residents and neighbouring businesses should be free to raise reasonable and relevant representations about the proposals contained in the application.
5. The role of the Authority is primarily to resolve disputes when they arise in the licensing process.

When considering applications, the Authority will seek to uphold these principles.

### 9.2 The procedure and documentation required for the application process is prescribed by the Act and regulations made under it, and further advice on the application process is available on the Licensing Service web site. This section gives basic guidance on how those applications will be considered, rather than detailed guidance on the content of such applications that can be found elsewhere. However where the secondary legislation requires applications to be advertised and served on various people and bodies and the following policy shall apply.

### 9.3 **Policy: APP 1**

**Any form of application that is required to be advertised by the Act or Regulations in a newspaper shall be advertised in the Nottingham Evening Post.**

**The applicant must also provide to the Licensing Service: -**

- (i) A certificate of service of the application on the responsible authorities. This shall be provided with the application.**
- (ii) Proof of advertisement of the application and display of any required notice in accordance with the Regulations. This shall be provided within 5 working days of such advertisement/display.**

***REASON: To ensure that the legislation has been complied with and that the application is valid.***

- 9.4 Recommended methods of serving an application for licence or for making a representation include by recorded delivery or first class post. In due course the Authority will have the ability to receive on-line applications. This service will be announced on the Licensing Service web site when available.
- 9.5 The Act specifies the Responsible Authorities that must be consulted for each premises licence or club registration certificate application. Contact details for these agencies are available in Appendix C. It is the Applicant's responsibility to ensure that a copy of the application is served on each responsible authority. In cases where the City Council is the responsible Authority the applicant must serve a separate copy of the application on each of the various services (i.e. Health and Safety, Environmental Health, Planning etc.) It is not a function of the Licensing Service to do this on behalf of the applicant.

#### 9.6 **PLANS**

- 9.7 Plans should be drawn to the scale prescribed by regulation. Applications submitted with plans on any other scale without the express **prior** agreement of the Authority will not comply with the requirements of the legislation and may not be accepted.
- 9.8 Applicants are encouraged for clarity and identification purposes to colour code plans as follows:
- (i) The location of the extent of the boundary of the premises to be licensed should be edged in red.
  - (ii) The locations where licensable activities are to take place within the curtilage of the premises to be licensed should be shown edged in brown, and where there is more than one licensable activity taking part on the premises, the applicant shall indicate on the plan (by way of shading/ hatching or otherwise but to include a key) where each of those activities is to take place.
  - (iii) Areas to which alterations to premises currently licensed are to be carried out and for which approval is sought, should be edged in green.
  - (iv) Areas to which children are permitted should be edged in blue.

In addition to the requirements of the legislation, plans should also show the location of any CCTV cameras, monitors and recording equipment used in the

licensed premises and the position of fire fighting equipment and emergency escapes.

## **9.9 OPERATING SCHEDULES**

### **9.10 Policy: APP 2**

**Operating schedules should contain the following information:-**

- (i) A description of the style and character of the business;**
- (ii) A description of the licensable activities to be carried on at the premises (including the nature and type of any entertainment or dancing being provided);**
- (iii) The times during which the relevant licensable activities are to take place (including the times during each day of the week and any relevant seasonal or holiday periods);**
- (iv) Any other times that the premises are to be open to the public;**
- (v) If the licence is to be for a limited period, that period;**
- (vi) Where the licence includes the sale or supply of alcohol, the name and address of the designated premises supervisor;**
- (vii) Where the licence includes the sale or supply of alcohol, whether that will be for consumption on or off the premises or both;**
- (viii) Where alcohol is being sold for consumption on the premises the extent of seating available;**
- (ix) Where the licensable activity includes nudity, the controls that will be used to prevent access by persons under the age of 18;**
- (x) Details of controls the applicant has identified that will be put in place having undertaken a risk assessment process from which the Authority will draw the applicant's offered conditions of licence;**
- (xi) the steps the applicant proposes to take to promote the Licensing Objectives.**

**Further information can be found in the Guidance issued under s182 of the Act and the Authority's Guidance to Applicants.**

***REASON: To ensure the promotion of the Licensing Objectives and ensure that any condition imposed on the licence is necessary and proportionate.***

## 9.11 CONSULTATION

9.12 Applicants must display notice of their application as set out in regulations to the Act. In particular applicants are encouraged to:

- Place notices such that they will be easily seen by passers-by;
- Not place notices behind barriers, shutters, openable doors or similar such that the notice is obscured at any time;
- Ensure that if the notice is damaged, removed or otherwise affected so that it cannot be clearly read, it is replaced immediately;
- Ensure that the nature of the proposed licensable activities and the times they will be operated is clearly set out;
- They notify and consult with local residents, businesses or their representatives (e.g. neighbourhood management offices), within the vicinity of the premises that may be affected by the proposed licensable activities.

9.13 As consultation progresses, the consultees may contact the applicant to seek clarification and agreement on the activity to be licensed and may seek to agree or apply reasonable conditions to the grant of licence. It will always be the aim of the Authority that agreement is reached between the applicant and interested parties. The licensing service as far as possible will facilitate such negotiations as arise through to the end of the consultation process, and will confirm the final outcome. Where agreement cannot be reached the matter will be referred to a Licensing Panel.

9.14 The community will be engaged through the local Ward Councillor as a representative of the local electorate, through representative groups and fora such as Neighbourhood Management networks, and with individuals and local community groups where appropriate. Ward Councillors may, however, only make representations on applications where they are an Interested Party in their own right or where they are asked to represent an Interested Party.

## 9.15 REPRESENTATIONS

### 9.16 Policy: APP 3

**A Relevant Representation in respect of a licence application or current licence should specify the following detail:**

- (i) **The name, address and a contact number for the person making the representation.**

- (ii) The name and address of the premises in respect of which the representation is being made.
- (iii) The Licensing Objective(s) that is relevant to the representation.
- (iv) The opinion why it is felt the Objective(s) is not being promoted.
- (v) Details of available evidence that supports the opinion.

***REASON: To ensure the representation is valid and related to the relevant premises.***

- 9.17 Guidance on making a representation is available from the DCMS and the Licensing Service websites. A preferred form is available from the Licensing Service for individuals or groups to make their representations. (see Appendix C). Responsible Authorities have separately agreed the means by which they will make representation in line with the provisions of the Act.
- 9.18 For a representation to be relevant it should be positively tied or linked by a causal connection to particular premises. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined.
- 9.19 It is for the Licensing Authority to determine whether any representation by an interested party is, on its own merits, vexatious or frivolous. The Authority will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous. Whilst the Regulations may allow for further information to be put forward at any subsequent hearing, that material must relate to the initial representation made by the Responsible Authority/Interested Party. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.
- 9.20 Ward councillors receiving complaints from residents within their own wards may be asked to represent such residents and make representations on their behalf in accordance with Policy App 3. However should the councillor also be a member of the Licensing Committee/Panel and consider that their own interests are such that they are unable to consider the matter independently they will disqualify themselves from taking part in the determination of the licence.

## 9.21 DETERMINATIONS

9.22 The aim of the Authority is that determination of licence application will be made by an officer wherever possible. Guidance to applicants will show the Table of Delegated Functions which the Authority will operate. This table will be updated in the event of any amendment to the delegations.

## 9.23 PANEL / COMMITTEE HEARINGS

9.24 The hearing process will meet the requirements of any regulations made by the Secretary of State. The hearing will concentrate on the steps needed to promote the particular licensing objective which has given rise to the specific representation and will seek to avoid straying into undisputed areas.

9.25 The Act creates a presumption that applications will be granted unless a valid representation is raised which is sustainable under the terms of the Licensing Act. An application will be determined by Council's Licensing Committee/Panel where the issue that leads to the representation cannot be negotiated to an agreed conclusion between the parties.

## 9.26 REVIEWS

9.27 At any stage following the grant of a premises licence or club premises certificate a responsible authority or an interested party may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives. The party requesting the review is required to make the application on the prescribed form and is to include a summary of available evidence as to which of the Licensing Objectives is being undermined and how this is manifested.

9.28 Where a review hearing is held the Licensing Authority has a variety of courses of action that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption

of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

## 9.29 **PERSONAL LICENCES**

9.30 Where the licensed activities include the sale or supply of alcohol, that sale or supply can only be authorised by the holder of a personal licence. Applicants may apply for such licences whether or not they are currently employed or have business interests associated with the use of the licence. The application must be made to the licensing authority for the area in which the applicant ordinarily resides. Once granted that authority remains responsible for licensing the applicant even if he moves to another area. An applicant may only hold one personal licence and such licences remain in force for a period of 10 years, (unless previously surrendered, revoked or forfeited), and may be renewed at the end of that period. Such licences must be granted where

1. The applicant is over 18;
2. Possesses a relevant licensing qualification or is of a prescribed description,;
3. Has not had a personal licence forfeited in the 5 years prior to the application;  
and
4. Has not been convicted by a relevant offence or a foreign offence as prescribed by the regulations.

9.31 If any of items 1-3 above are not met the application must be refused. With regard to convictions however a licence will still be granted unless the Chief Officer of Police lodges an objection within the prescribed period that he is satisfied that the granting of the licence would undermine the Licensing Objectives. In such circumstances the application will be considered at a hearing of the Licensing Panel.

## 9.32 **Policy: APP 4**

**In determining initial and renewal applications for personal licences where the Chief Officer of Police has lodged an objection notice the Authority will take the following matters into consideration:**

- (i) **The circumstances in which the offences were committed;**
- (ii) **The period that has elapsed since the offence(s) were committed;**
- (iii) **Whether the offences reveal a pattern of offending or were a one off occurrence; and**
- (iv) **Any mitigating circumstances.**



The Authority will reject the application unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so in order to promote the Crime Prevention Objective.

***REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.***

9.33 Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a hearing will be held to determine whether the licence should be revoked.

9.34 **Policy: APP 5**

**Policy APP 4 will apply to revocation hearings as it does to application hearings.**

***REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective especially where those convictions are recent.***

9.35 **TEMPORARY EVENT NOTICES**

9.36 Whilst the Authority recognises that a Temporary Event Notice may be served (up to) ten working days prior to the commencement of a Permitted Temporary Activity, the current Guidance issued under the Act encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the crime and disorder Objective. The Authority considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days. Temporary event notices may only be signed by the premises user and not by other persons (e.g. solicitors or other agents) on

their behalf. Premises users are also encouraged to serve Temporary Event Notices on the police **at the same time** as they serve the Licensing Authority.

### 9.37 **PREMISES MANAGEMENT**

9.38 The Council considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry to be amongst the most important control measures for the achievement of all of the Licensing Objectives. This matter is dealt with in more detail in the Authority's 'Guidance to Applicants'.

### 9.39 Policy: APP 6

The Authority expects to see evidence of the effective and responsible management of the licensed premises, the effective instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule

***REASON: To ensure the promotion of the licensing objectives.***

9.40 Capacity management at licensed premises or a licensed event is one element that may contribute to the promotion of the licensing objectives. An assessment of the capacity of a venue is a normal risk assessment function which applicants and existing licensees are encouraged to undertake routinely; risk assessment is a process required under legislation. The need for a capacity limit in premises or at an event should not necessarily be seen as a requirement to provide permanent monitoring arrangements such as door staff, attendance clickers or the maintenance of attendance records in all circumstances. The Authority recognises that persons in charge of small premises and events with simple layouts, can often readily assess the number of people attending those premises or events without resort to such measures.

### 9.41 Policy: APP 7

**In premises where a capacity limit is specified and in all large or complex premises and at events where the number of persons present cannot readily be assessed or where an imposed capacity limit is likely to be approached, the Operating Schedule should detail the arrangements that will be put in place to ensure that the permitted number of people attending the premises or event will not be exceeded.**

***REASON: To ensure the promotion of the licensing objectives.***

**9.42 OUTDOORS SPORTS STADIA**

9.43 Outdoor sports stadia are subject to separate legislation with regard to health and safety and fire safety and the Authority will not duplicate any conditions relating to such legislation. The sports events taking place at such outdoor stadia do not fall within the definition of regulated entertainment under the 2003 Act; with the exception of boxing and wrestling matches.

9.44 Applications for premises licence will be limited to those activities that are licensable under the 2003 Act; i.e. the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment. Any representations relating to the supply/consumption of alcohol in the grounds/at seats/in the terraces of sports stadia will be given particularly careful consideration.

9.45 A premises licence may be granted that makes separate arrangements for public and private areas or for restaurant areas on the same premises. Areas may also be designated where alcohol may not be consumed at all, or at particular times. Reference to such matters should be made in the operating schedule accompanying the application.

9.46 Certain sports events are more likely than others to give rise to concerns about the safety of, and disorder among, spectators. The views of the police will be taken into account in this respect.

**9.47 Policy: APP 8**

**Where representation is made by the police that certain licensable activities carried on at a stadium may give rise to concern about the safety of, and disorder amongst, spectators, conditions may be attached to the premises licence to mitigate the effects of such behaviour. In addition the premises licence may, by means of attached conditions, make different provision for different sports events where licensable activities take place because of the history of such events at those premises.**

***REASON: To ensure the promotion of the licensing objectives.***

## 9.48 LICENSABLE HOURS

- 9.49 Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully, and reflect this in their operating schedule.
- 9.50 Advice issued by the Secretary of State in September 2005 reiterates that there is no presumption in the Act for longer hours over the concerns of local people and organisations. Where there are objections and the Authority believes that the proposed hours would undermine the licensing objectives they may reject the application or grant it with appropriate conditions and/or different hours to those requested. The benefits of “winding down” periods, after sales of alcoholic drinks have ceased and while food and non-alcoholic drinks are still available and the volume and tempo of music is reduced and the levels of lighting are increased, are widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider stopping the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.
- 9.51 Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.
- 9.52 Applicants are encouraged not to apply for later hours than they will in fact operate on a regular basis; particularly applying for 24 hour licences where there is no intention of operating on a 24-hour basis. Responsible authorities and interested parties will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.

## 10 THE IMPACT OF LICENSED ACTIVITIES

- 10.1 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the “vicinity” will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned.
- 10.2 Licensing law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises rather it is part of a holistic approach to the management of the District.
- 10.3 Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be had to the Secretary of State’s Guidance in this respect and the following mechanisms may be employed:
- Planning controls.
  - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
  - Police enforcement of the law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
  - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
  - The confiscation of alcohol from adults and children in designated areas.
  - 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.
  - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
  - Any other local initiatives that similarly address these problems.

#### 10.4 Policy: IMP 1

**When preparing or considering applications, Applicants, Interested Parties, Responsible Authorities and the Licensing Authority should, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the necessity for, and proportionality of, any conditions which may be imposed on any resulting licence, certificate or permission:**

- (i) The nature of the area within which the premises are situated.**
- (ii) The precise nature, type and frequency of the proposed activities.**
- (iii) Any measures proposed by the applicant as outlined in the Operating Schedule to mitigate or prevent any adverse impact upon the Licensing Objectives (including the proposed hours of operation).**
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.**
- (v) Means of access to and exit from the premises.**
- (vi) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises.**
- (vii) Parking provision in the area.**
- (viii) The potential cumulative impact (see below).**
- (ix) Other means and resources available to mitigate any impact.**
- (x) Such other matters as may be relevant to the application.**

***REASON: To ensure that all relevant matters are taken into consideration during the application process.***

10.5 Policy IMP 1 lists particular matters which it may be appropriate to take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents, and thereby undermine any of the Licensing Objectives.

10.6 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible

- 10.7 Car parking by customers of licensed activities can be a serious problem. This affects local residents in terms of noise. When considering the possible impact on residents, the Authority will look at the area within which the impact could be experienced in particular the likely distance at which most customers arriving by car would seek to park.
- 10.8 The Authority is mindful of the responsibilities that licence holders have for preventing anti social behaviour on their premises and within the vicinity. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District. Where appropriate conditions will be imposed which reflect local Crime Prevention Strategies.
- 10.9 Applicants are expected to have carried out the relevant risk assessments under other legislation (e.g. fire precautions, health and safety at work, etc) prior to submitting their applications. These risk assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing the above policy may be outlined in more detail in any guidance issued by the Authority's or the responsible authorities but could include the matters listed below where appropriate.

10.10 Minimising Crime and Disorder:

- Use of CCTV both within and outside the premises.
- Metal detection and search facilities.
- Procedures for risk assessing promotions and events such as "happy hours" and plans for minimising such risk.
- Measures to prevent the use or supply of illegal drugs.
- Employment of licensed door supervisors and other appropriately trained staff.
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure and social drinking environment e.g. adoption of a minimum pricing policy, participation in a good management scheme, etc.
- The licensee providing a taxi call point, waiting and concierge service for taxi marshalling at the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g. playing quieter music and promoting non-alcoholic drinks towards the end of the event,

ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.

#### 10.11 Ensuring Public Safety:

- The preparation and application of appropriate risk assessments.
- The setting and monitoring of occupancy levels for the premises.
- Reasonable facilities, access and egress for people with disabilities.
- Having glassware policies.

#### 10.12 Protection of children:

- Exclusion from the premises in certain circumstances.
- Adult to child ratios etc.
- See also section 11 of this Policy Statement.

#### 10.13 Preventing Nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise break out.
- Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.
- With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.
- Proper and adequate door supervision.
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Arrangements with licensed taxis or mini-cabs to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.



- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
- Adequate provisions for dealing with litter/refuse arising from the operation of premises.
- Appropriate times for and methods of dealing with bottle delivery, disposal and collection.
- The licensee providing a help line or contact number for concerned residents.

10.14 In some cases it may be helpful for applicants and / or their advisors to discuss the draft Operating Schedule with council officers and representatives of Responsible Authorities, before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

#### 10.15 **CUMULATIVE IMPACT**

10.16 In some areas concentrations of licensed premises exist where the combined effect of all of the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.

10.17 This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.

10.18 The Authority is satisfied that the area identified in appendix E (known as the “City Centre Saturation Zone”,) has suffered from and continues to suffer from significant levels of crime, disorder and nuisance as a result of the Cumulative Impact from the large number of premises licenced to sell alcohol located in that area. As a result special policies to deal with this issue were adopted in July 2005 and, having re-consulted on this issue, the Authority is still satisfied that it is both necessary and appropriate to pursue a similar approach in this Statement of Policy. The evidence supporting this view is summarised in Appendix D.

#### 10.19 **Policy: IMP 2**

**Where representations about crime and disorder and/or nuisance are**

received in respect of applications for premises in the City Centre Saturation Zone a rebuttable presumption will apply that such applications shall be refused. However, this policy only applies to applications of the types listed below and which include the sale or supply of alcohol namely:-

- New premises licences,
- New club premises certificates.
- Material variations to existing premises licences / club premises certificates (for example, these may include matters such as increases in capacity or hours)

and in the case of applications for Provisional Statements an indication will be given that any subsequent application for a premises licence/club premises certificate is likely to be refused .

***REASON: To ensure that those applications which may add to the levels of crime, disorder and nuisance already being experienced in the area are refused.***

10.20 This policy creates a rebuttable presumption that certain types of applications will be refused. The presumption may be rebutted where applicants can demonstrate through the Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not potentially add to the cumulative impact already being experienced.

- 10.21 Whilst the policy will not be applied inflexibly the circumstances in which the presumption of refusal may be rebutted will need to be exceptional and directly related to the reasons why the policy was adopted. An application is not likely to be classed as exceptional merely on the grounds that the premises have been or will be operated within the terms of its licence or that they are or will be well managed. This is to be expected of any application. An example of the type of application which might be granted could be where premises are being re-located or act as a direct replacement for others and where the impact is likely to be similar to the original location.
- 10.22 Policy IMP 2 however does not relieve Responsible Authorities or Interested Parties of the need to make representations before such applications are refused. If no representations are received then the application must be granted in terms consistent with the submitted operating schedule. The Authority will regularly review this Policy to assess its impact.
- 10.23 Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded. It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process. For this reason Provisional Statements are included in Policy IMP 2. Whilst applications for Provisional Statements cannot be refused it is considered that such statements could properly be used to indicate that even if the works were satisfactorily completed that the subsequent premises licence application could be refused on the grounds of cumulative impact.
- 10.24 Responsible Authorities and Interested Parties may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated saturation zones. In such circumstances the application may be refused, (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the particular area should be designated as a saturation zone to which policy IMP2 should apply.

## 10.25 Policy: IMP 3

In cases where Responsible Authorities or Interested Parties seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives they shall:

- i. Identify the boundaries of the area from which it is alleged problems are arising;
- ii. Identify the Licensing Objective(s) which it is alleged will be undermined;
- iii. Identify the type of licensable activity alleged to be causing the problem (eg sale of alcohol, late night refreshment etc)
- iv. Provide full details and evidence to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;
- v. Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.

***REASON: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.***

## 11 CHILDREN

- 11.1 The Authority recognises that there are many activities for which licences may be sought. These will be located in a great variety of premises such as public houses, night-clubs, hotels, inns, theatres, cinemas, concert halls, restaurants, cafes, take-aways, fast-food outlets, community halls, schools and colleges.
- 11.2 Where there are concerns over the potential for harm to children the Authority recognises the following body as competent to advise on matters relating to the protection of children from harm:
  - The Safeguarding Children Board (Nottingham City Council)Applicants should therefore copy their applications to this body in its capacity as a 'responsible authority' for any representation that may be made to the Authority (see Appendix 3).
- 11.3 Examples which may give rise to concerns in respect of children include those:

- Where there have been convictions for serving alcohol to minors
- Where there is a reputation for underage drinking
- Where there is a known association for drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

11.4 **Policy: CHI 1**

**The Authority will impose conditions restricting the access of children to premises where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and restriction of access may not ensure adequate protection of children from harm, applications will be refused.**

11.5 ***REASON: The Authority considers that harm may be moral and psychological as well as physical.***

11.6 **SALE OF ALCOHOL**

11.7 The Act does not prevent children, who are accompanied by an adult, having access to premises selling alcohol for consumption on those premises unless the sale of alcohol is the exclusive or primary activity on those premises. Applicants are directed to the various criminal offences created by the Act relating to the sale or supply of alcohol to children.

11.8 **Policy: CHI 2**

**The Authority will not impose any conditions that specifically require the access of children to premises.**

11.9 ***REASON: Where no conditions or restrictions are imposed, the issue of access for children still remains a matter of the discretion of individual licensees or clubs. This allows for premises to be ‘children’ and ‘family-friendly’ whilst ensuring that children are adequately protected.***

11.10 The Portman Group operates on behalf of the alcohol industry and has issued a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Whilst this code applies to all alcohol sales/supplies, in particular 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. The Authority

commends this Code and recommends licensees to follow the principles promoted by it.

#### **11.11 PROVISION OF ENTERTAINMENT OF AN ADULT OR SEXUAL NATURE**

11.12 The provision of adult entertainment on premises may necessarily mean that access to those premises by children will not be permitted during periods when such entertainment is taking place. The Authority expects applicants to include arrangements for restricting children from viewing any adult entertainment in their Operating Schedule.

11.13 The Authority will expect that licensees ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with.

#### **11.14 CHILDREN AND CINEMA EXHIBITIONS**

11.15 Where premises are used for film exhibitions, the Authority will impose the mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

11.16 The Authority expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule. The Authority expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.

11.17 In considering applications or reviews, the Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

#### **11.18 CHILDREN AND PUBLIC ENTERTAINMENTS**

##### **11.19 Policy: CHI 3**

**Where large numbers of children are likely to be present on licensed premises, for example a children's show or pantomime, the Authority will normally attach a condition requiring an adequate ratio of adults to children in order to ensure the prevention of harm to the children and to**

ensure public safety. Normally this will be supervision by appropriately qualified, fit and proper persons.

*REASON: The presence of large numbers of unsupervised children will require adequate steps to be in place to ensure they are protected from physical harm and to ensure public safety*

## 11.20 ACCESS TO PREMISES BY CHILDREN

### 11.21 Policy: CHI 4

When deciding whether to limit the access of children to premises, the Authority will judge each application on its own merits. Where concerns have been identified in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- (i) Limitations on the hours when children may be present.
- (ii) Age limitations for persons under 18.
- (iii) Limitations or exclusion when certain activities are taking place.
- (iv) Full exclusion of persons under 18 when certain licensable activities are taking place.
- (v) Limitations of access to certain parts of the premises for persons under 18.
- (vi) A requirement for an accompanying adult to be present.

*REASON: It is not possible to anticipate every issue of concern that could arise with regard to individual premises when deciding to limit the access of children to premises.*

## **12 EQUALITY AND DIVERSITY**

- 12.1 Delivery of the regime will be in accordance with the Corporate Race Equality Scheme and the Equality and Diversity Action Plan. The use of an Impact Needs Assessment process will inform service delivery and will be subject to on-going monitoring and customer / stakeholder consultation during the life of this Policy with the framework of the regime. Relevant matters that come to light as a result of monitoring and consultation may result in changes to service delivery and where necessary may result in changes to City Council licensing policy. The principles underpinning the International Covenant on Economic, Social and Cultural Rights have been borne in mind when devising this Statement of Policy with a view to seeking to ensure that everyone can participate in the cultural life of the community and enjoy the arts associated with the provision of regulated entertainment.
- 12.2 Advice and guidance will be made available in English which is the most common language of customers and stakeholders. Guidance documents issued by the Licensing Service will include advice about translation and access to information about services, however, it is recognised that local communities will normally have access to alternative translation and advice services. The City Council will also signpost customers to other providers of guidance and information relevant to the regime but are not responsible for the accuracy of such information.

## **13 GENERAL ENFORCEMENT STATEMENT**

- 13.1 All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance and the enforcement policy of the City Council which is produced to the principles of the Enforcement Concordat.
- 13.2 It is the intention of the Authority to establish and maintain enforcement protocols with the local police and other relevant enforcement agencies. Such protocols will provide for the proportionate targeting of enforcement action in respect of licensed activities that require greater attention due to problems such as bad management and the operation of high-risk activities, and a corresponding lighter touch for well run, lower risk activities.



## **14 MONITORING AND REVIEW OF THIS STATEMENT OF POLICY**

- 14.1 This Statement of Policy will be reviewed every three years. In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.
- 14.2 Bodies that are Responsible Authorities for the purpose of the Act will be encouraged to report to the Authority on relevant issues within the remit of that body under the licensing function. The Licensing Service will provide a report each year to the Licensing Committee on matters that impact on, and influence, the delivery of the licensing function by the Authority. The report will include a summary statement of reports submitted by the responsible authorities and will also include relevant references to service work planning, action outcomes, staff and customer consultation, service performance, service development and improvement and a financial overview of the service.
- 14.3 From time to time the performance of the licensing function and climate within which the licensing regime is operating will be reported to the Licensing Committee. Such matters may include
- A performance statement.
  - An enforcement statement.
  - A financial statement.
  - Matters in connection with the local administration of the regime.
  - A statement of matters in connection with the Policy Statement.
  - A summary of the climate within which the licensing trade is operating.
  - A summary of economic issues affecting the licensing regime.

## **POLICIES USED IN THIS STATEMENT OF POLICY**

All of the Council's policies for licensing under the Licensing Act 2003 are listed in this appendix for ease of reference. Please refer to the supporting text in the main policy document for the rationale behind the individual policies. References to the objectives met are to those listed in section 3 of this policy.

### **Policy: STR 1**

**The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.**

***REASON: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.***

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### **Policy: APP 1**

**Any form of application that is required to be advertised by the Act or Regulations in a newspaper shall be advertised in the Nottingham Evening Post.**

**The applicant must also provide to the Licensing Service: -**

- (i) A certificate of service of the application on the responsible authorities. This shall be provided with the application.**
- (ii) Proof of advertisement of the application and display of any required notice in accordance with the Regulations. This shall be provided within 5 working days of such advertisement/display.**

***REASON: To ensure that the legislation has been complied with and that the application is valid.***

### **Policy: APP 2**

**Operating schedules should contain the following information:-**

- (i) A description of the style and character of the business;**
- (ii) A description of the licensable activities to be carried on at the premises (including the nature and type of any entertainment or**

- dancing being provided);
- (iii) The times during which the relevant licensable activities are to take place (including the times during each day of the week and any relevant seasonal or holiday periods);
  - (iv) Any other times that the premises are to be open to the public;
  - (v) If the licence is to be for a limited period, that period;
  - (vi) Where the licence includes the sale or supply of alcohol, the name and address of the designated premises supervisor;
  - (vii) Where the licence includes the sale or supply of alcohol, whether that will be for consumption on or off the premises or both;
  - (viii) Where alcohol is being sold for consumption on the premises the extent of seating available;
  - (ix) Where the licensable activity includes nudity, the controls that will be used to prevent access by persons under the age of 18;
  - (x) Details of controls the applicant has identified that will be put in place having undertaken a risk assessment process from which the Authority will draw the applicant's offered conditions of licence;
  - (xi) the steps the applicant proposes to take to promote the Licensing Objectives.

Further information can be found in the Guidance issued under s182 of the Act and the Authority's Guidance to Applicants.

*REASON: To ensure the promotion of the Licensing Objectives and ensure that any condition imposed on the licence is necessary and proportionate.*

**Policy: APP 3**

A Relevant Representation in respect of a licence application or current licence should specify the following detail:

- (i) The name, address and a contact number for the person making the representation.
- (ii) The name and address of the premises in respect of which the representation is being made.
- (iii) The Licensing Objective(s) that is relevant to the representation.
- (iv) The opinion why it is felt the Objective(s) is not being promoted.
- (v) Details of available evidence that supports the opinion.

***REASON: To ensure the representation is valid and related to the relevant premises.***

**Policy: APP 4**

**In determining initial and renewal applications for personal licences where the Chief Officer of Police has lodged an objection notice the Authority will take the following matters into consideration:**

- (i) The circumstances in which the offences were committed;**
- (ii) The period that has elapsed since the offence(s) were committed;**
- (iii) Whether the offences reveal a pattern of offending or were a one off occurrence; and**
- (iv) Any mitigating circumstances.**

**The Authority will reject the application unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so in order to promote the Crime Prevention Objective.**

***REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.***

**Policy: APP 5**

**Policy APP 4 will apply to revocation hearings as it does to application hearings.**

***REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective especially where those convictions are recent.***

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**Policy: APP 6**

The Authority expects to see evidence of the effective and responsible management of the licensed premises, the effective instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule

*REASON: To ensure the promotion of the licensing objectives.*

**Policy: APP 7**

In premises where a capacity limit is specified and in all large or complex premises and at events where the number of persons present cannot readily be assessed or where an imposed capacity limit is likely to be approached, the Operating Schedule should detail the arrangements that will be put in place to ensure that the permitted number of people attending the premises or event will not be exceeded.

*REASON: To ensure the promotion of the licensing objectives.*

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**Policy: APP 8**

Where representation is made by the police that certain licensable activities carried on at a stadium may give rise to concern about the safety of, and disorder amongst, spectators, conditions may be attached to the premises licence to mitigate the effects of such behaviour. In addition the premises licence may, by means of attached conditions, make different provision for different sports events where licensable activities take place because of the history of such events at those premises.

*REASON: To ensure the promotion of the licensing objectives.*

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**Policy: IMP 1**

When preparing or considering applications, Applicants, Interested Parties, Responsible Authorities and the Licensing Authority should, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the necessity for, and proportionality of, any conditions which may be imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.

- (ii) The precise nature, type and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant as outlined in the Operating Schedule to mitigate or prevent any adverse impact upon the Licensing Objectives (including the proposed hours of operation).
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises.
- (vii) Parking provision in the area.
- (viii) The potential cumulative impact (see below).
- (ix) Other means and resources available to mitigate any impact.
- (x) Such other matters as may be relevant to the application.

***REASON: To ensure that all relevant matters are taken into consideration during the application process.***

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**Policy: IMP 2**

Where representations about crime and disorder and/or nuisance are received in respect of applications for premises in the City Centre Saturation Zone a rebuttable presumption will apply that such applications shall be refused. However, this policy only applies to applications of the types listed below and which include the sale or supply of alcohol namely:-

- New premises licences,
- New club premises certificates.
- Material variations to existing premises licences / club premises certificates (for example, these may include matters such as increases in capacity or hours)

and in the case of applications for Provisional Statement of Policies an indication will be given that any subsequent application for a premises licence/club premises certificate is likely to be refused .

***REASON: To ensure that those applications which may add to the levels of crime, disorder and nuisance already being experienced in the area are refused.***

**Policy: IMP 3**

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In cases where Responsible Authorities or Interested Parties seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives they shall:

- i. Identify the boundaries of the area from which it is alleged problems are arising;
- ii. Identify the Licensing Objective(s) which it is alleged will be undermined;
- iii. Identify the type of licensable activity alleged to be causing the problem (eg sale of alcohol, late night refreshment etc)
- iv. Provide full details and evidence to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;
- v. Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.

***REASON: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.***

**Policy: CHI 1**

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The Authority will impose conditions restricting the access of children to premises where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and restriction of access may not ensure adequate protection of children from harm, applications will be refused.

***REASON: The Authority considers that harm may be moral and psychological as well as physical.***

**Policy: CHI 2**

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The Authority will not impose any conditions that specifically require the access of children to premises.

***REASON: Where no conditions or restrictions are imposed, the issue of access for children still remains a matter of the discretion of individual***

*licensees or clubs. This allows for premises to be 'children' and 'family-friendly' whilst ensuring that children are adequately protected.*

**Policy: CHI 3**

Where large numbers of children are likely to be present on licensed premises, for example a children's show or pantomime, the Authority will normally attach a condition requiring an adequate ratio of adults to children in order to ensure the prevention of harm to the children and to ensure public safety. Normally this will be supervision by appropriately qualified, fit and proper persons.

*REASON: The presence of large numbers of unsupervised children will require adequate steps to be in place to ensure they are protected from physical harm and to ensure public safety*

**Policy: CHI 4**

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When deciding whether to limit the access of children to premises, the Authority will judge each application on its own merits.

Where concerns have been identified in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- (i) Limitations on the hours when children may be present.
- (ii) Age limitations for persons under 18.
- (iii) Limitations or exclusion when certain activities are taking place.
- (iv) Full exclusion of persons under 18 when certain licensable activities are taking place.
- (v) Limitations of access to certain parts of the premises for persons under 18.
- (vi) A requirement for an accompanying adult to be present.

*REASON: It is not possible to anticipate every issue of concern that could arise with regard to individual premises when deciding to limit the access of children to premises.*

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## APPENDIX B

### GLOSSARY OF TERMS

The interpretation of terms used in this policy is as given in sections 190 -194 Licensing Act 2003. Where terms are not explained in the Act the following is guidance to the general meaning that is applied and is used in this policy document.

**Authorised person:** an officer appointed for the purpose of the Act and includes an inspector appointed under section 19 of the Health and Safety at Work etc Act 1974, section 18 of the Fire Precautions Act 1971 and a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995.

**Adverse impact:** means a matter, normally crime and disorder and/or public nuisance, the effect of which is such that it has a tangible negative result on the area around the premises and/or the residents/businesses in that area.

**Committee and Panel:** mean the Licensing Committee and Licensing Panel of the Council respectively.

**Conditions:** mean controls or restrictions applied to licences and which seek to control licensed activities, the management and the operation of such to ensure that the Licensing Objectives are met.

**Cumulative impact:** means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

**Designated Premises Supervisor:** in relation to a premises licence means the individual for the time being specified in the Premises Licence as the Premises Supervisor.

**Interested party:** means any of:

A person living in the vicinity of the premises,

A body representing persons who live in that vicinity,

A person involved in a business in that vicinity,

A body representing persons involved in such businesses.

**LACORS:** Local Authority Coordinators of Regulatory Services

**Premises:** includes land in the open air such as might be used for Temporary Events.

**Policy and Statement of Policy of Licensing Policy:** means this policy document, “The Nottingham City Council Licensing Policy”.

**Other guidance:** means guidance issued by the Secretary of State under Section 182 of the Act, or approved or recognised by the Government as being approved for the purposes of the Act.

**Order:** means an Order issued by the Secretary of State under section 197 of the Act.

**Responsible authority:** has the meaning given by s13 of the Act

**Risk Assessment:** means an assessment (ideally documented) of an activity, the people affected by the activity, the risks associated with the activity, how those risks will be removed or reduced to an acceptable level (the control measures) and any matters required to be undertaken to bring the control measures into force.

**Supply of alcohol:** the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**The Act:** means the Licensing Act 2003

**The Regulations:** means regulations issued by the Secretary of State under section 197 of the Act.

**Vicinity:** means the area around the premises or place where the licensed activity takes place. The extent of the area is a matter of degree in each individual case.

**CONTACT DETAILS**

**LICENSING AUTHORITY ADDRESS FOR APPLICATIONS & ADMINISTRATIVE MATTERS:**

The Licensing Officer  
General Licensing Services  
City Development, Nottingham City Council  
Lawrence House, Talbot Street, Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915 6423  
Email: [public.protection@nottinghamcity.gov.uk](mailto:public.protection@nottinghamcity.gov.uk)

**Head of Service:**

Mr T Coulson, tel (0115) 915 6781  
Email: [tim.coulson@nottinghamcity.gov.uk](mailto:tim.coulson@nottinghamcity.gov.uk)  
Fax (0115) 915 6423

**Licensing & Registration Services:**

Licensing Officer: Mrs J Swain, tel (0115) 915 6776  
Email: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)  
Fax (0115) 915 6423

**RESPONSIBLE AUTHORITIES - ADDRESSES FOR APPLICATIONS**

**Environmental Health Officer**

***Food matters, premises management, amenities and facilities and health and safety primarily in food premises e.g. pubs, shops and clubs:***

The Team Leader  
Food Safety Enforcement Service  
City Development, Nottingham City Council  
Lawrence House, Talbot Street, Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915 6770  
Email: [food.enforcement@nottinghamcity.gov.uk](mailto:food.enforcement@nottinghamcity.gov.uk)

***Food matters, premises management, amenities and facilities and health and safety  
primarily in non-food premises e.g. leisure centres and most community premises:***

The Team Leader  
Health and Safety Services  
City Development, Nottingham City Council  
Lawrence House, Talbot Street, Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915 6228  
Email: [safety.enforcement@nottinghamcity.gov.uk](mailto:safety.enforcement@nottinghamcity.gov.uk)

***Noise and other pollution matters in all types of premises:***

The Team Leader  
Pollution Control Services  
City Development, Nottingham City Council  
Lawrence House, Talbot Street, Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915 6020  
Email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)

**The Chief Constable of Nottinghamshire**

Nottinghamshire Police Headquarters  
HQ (CJ) Liquor Licensing  
Mansfield Police Station, Great Central Road, Mansfield  
Nottinghamshire  
NG18 2HQ  
Fax (01623) 483968

**The Nottinghamshire Fire Service**

Central Fire Station  
Fire Protection Licensing Department  
Shakespeare Street  
Nottingham  
NG1 4FB

Tel: (0115) 9487844

Fax: (0115) 9480137

Email: [firesafetylicensing@notts-fire.gov.uk](mailto:firesafetylicensing@notts-fire.gov.uk)

### **The Health and Safety Executive**

*For non-commercial operations and public bodies e.g. council owned premises:*

City Gate West

Toll House Hill

Nottingham

NG1 5AT

### **Safeguarding Children Board / Children's Services**

C/o The Director of Children's Services

Nottingham City Council

Hounds Gate, Nottingham

NG1 7BE

Telephone (0115) 915 5555

### **The Local Planning Authority**

Planning Applications and Advice Service

City Development, Nottingham City Council

Exchange Buildings, Smithy Row, Nottingham

NG1 2BS

Telephone: (0115) 915 5555

Fax: (0115) 915 5222

Email: [development.control@nottinghamcity.gov.uk](mailto:development.control@nottinghamcity.gov.uk)

### **Weights and Measures (Trading Standards)**

The Service Manager

Trading Standards

City Development, Nottingham City Council

Lawrence House, Talbot Street, Nottingham

NG1 5NT

Telephone: (0115) 9156167

### **For Vessels:**

#### **The Maritime and Coastguard Agency.**

Eastern Region

Crosskill House, Mill Lane, Beverley  
HU17 9JB  
Tel: 01482 866606

**The Environment Agency.**

Trentside Offices  
West Bridgford, Nottingham  
NG2 5FA  
Telephone (0115) 9455722

**The British Waterways Board.**

The Kiln  
Mather Road, Newark  
Nottinghamshire  
NG24 1FB  
Telephone (01636) 704481

**OTHER LOCAL / RELEVANT LICENSING AUTHORITIES AROUND NOTTINGHAM**

Gedling Borough Council Civic Centre  
Arnot Hill Park, Arnold, Nottingham  
NG5 6LU  
Tel (0115) 901 3901

Broxtowe Borough Council  
Council Offices , Foster Avenue,  
Beeston, Nottinghamshire  
NG9 1AB  
Telephone (0115) 9177777

Rushcliffe Borough Council  
Civic Centre, Pavilion Road  
West Bridgford, Nottingham  
NG2 5FE  
Telephone: (0115) 9819911

Ashfield District Council  
Urban Road, Kirkby-in-Ashfield,\*-\*  
Nottinghamshire  
NG17 8DA  
Telephone: (01623) 450000

**Nottingham Magistrates' Court**  
***For appeals against licence decisions.***

**Clerk to the Justices**  
Nottingham Magistrates Court  
Carrington Street  
Nottingham NG2 1EE  
Telephone (0115) 9558111



## EVIDENCE IN SUPPORT OF THE CITY CENTRE SATURATION ZONE AND SATURATION POLICY

The Guidance issued under S182 of the Act states that the Authority may, in appropriate circumstances, adopt a special policy to approach the issue of cumulative impact. In order to do so the Authority must:

- identify a concern about crime and disorder or public nuisance
- consider whether the concern is arising from and caused by the customers of licensed premises and
- if so, identify the boundaries of the area from which the problems are arising then
- consult on the proposed policy

This process was followed and in July 2005 a Saturation Zone covering the City Centre was declared, the precise boundary of which is shown in Appendix E. In addition policies were adopted which created a rebuttable presumption that certain types of applications within the defined area would be refused. The aim of the policy was to control the impact on the promotion of the licensing objectives (primarily crime and disorder and/or public nuisance) arising from the significant number of licensed premises concentrated in this area. In determining whether to adopt this policy the Authority also considered the other measures and controls which are available to address such problems e.g. those listed in paragraph 10.3 of the adopted Statement of Licensing Policy.

It is the view of the Authority and various other responsible authorities and bodies that the adoption of this policy has been an effective tool in combating, and has had a positive effect in reducing the amount of crime and disorder, antisocial behaviour and nuisance arising from licensed premises within the Zone. Whilst there has been improvement however it is the view of the Authority that it is still necessary and appropriate for the policy (albeit slightly amended) to remain in place to ensure that the momentum in regulating these issues is not lost.

### **History of the Policy**

Whilst consulting on its first Statement of Licensing Policy back in 2004 the Authority received representation that the area now designated as the City Centre Saturation Zone was saturated with licensed premises. The consultation was extended allowing time for people to express their views on this matter. The concern centred on the issues of crime and disorder and public nuisance arising from problems outlined below. These problems were much publicised by the media at both local and national level. At that time however, the Authority did not adopt a special policy but chose to identify the area

as one of “particular concern” whilst a further assessment was carried out in relation to the issue of cumulative impact in this area.

## **The Problems**

Cumulative impact in the area results in crime, disorder and antisocial behaviour, and public nuisance including noise nuisance, litter and accumulations. These problems are largely attributed to the licensed trade, its customers or other feeder trades such late night takeaways.

In accordance with Government guidance the assessment undertaken included a range of council services and external partners including City Development, Neighbourhood Services, the Crime and Drugs Partnership, the Police and Nottingham Primary Care Trust (the PCT).

## **The Issues Contributing to the Problems**

The capacity of all types of licensed premises in the city centre in 2004 was estimated at around 104,000 it is now estimated at **XXXXXXXX**. The movement of large numbers of people between premises or leaving licensed premises late at night drunk, gives rise to problems of shouting, fighting, street urination and vomiting. Further problems of fighting and disorder occur at stress points - queues for taxis and hot food takeaways.

## **Overview of the Saturation Zone**

The area concerned forms a large part of the defined city centre. In December 2004 there were 358 licensed premises of all types within the area under consideration there are now xxxxx. The City’s regional position makes it ideal for access by visitors and with its significant student population there are large numbers of people converging at the weekend.

The area was devised making use of public roads that naturally define the area i.e. connecting Canal Street, Maid Marian Way, Shakespeare Street and Huntingdon Street.

**The matters below summarise the evidence received which supported the Authority’s original Cumulative Impact Policy and which support its retention in this Statement of Policy.**

## **Design and Operation of Licensed Premises**

The design and operation of licensed premises has changed markedly in the last 18 years. Together with the impact of drink advertising and flavouring of drinks this has helped fuel the excessive consumption of alcohol leading to the concept of binge drinking. This in turn leads to drunkenness and anti social behaviour.

## **Crime and Disorder**

Police evidence showed that high levels of Crime and disorder were centred in Zone. In addition the Police indicated and remain of the view that evidence shows premises with a capacity of more than 500 persons and where the main licensed activity is alcohol sales are more likely to be the focus of high levels of alcohol related crime and disorder. For this reason the Police have indicated that they will continue to oppose premises that fall or will fall inside this category.

The premises that are seen to be responsible for much of the problems are licensed premises used primarily as public houses and nightclubs where music and dancing is often offered.

Whilst premises with an occupancy of less than 500 and restaurants have also been mentioned as not generally contributing significantly in terms of crime and disorder they remain within the scope of the policy as an accumulation of such premises may potentially add to the problems currently being experienced. The option remains however for those assessing applications for small premises and restaurants to take the view that they will not add to the problems experienced and not to raise representations in respect of those applications.

## **Pedestrian Footfall in the Area**

The movement of people around the City creates friction when groups of intoxicated people come into contact and, with lowered inhibitions, fights and antisocial behaviour are more likely to occur. Survey data shows that the city centre is proportionally twice as busy at the weekend than it is midweek. It is at the weekend that the problems are particularly worse.

## **City Centre Management**

The Council has established its Strategic Management Plan for the Evening Economy which sets out the key objectives and priorities for the period 2005/07. These objectives relate to accessibility and transport, planning and managing mixed use, supporting businesses that service the evening economy, gearing up maintenance services, introducing diversity into the night time offer, addressing the problems associated with poor image and tackling alcohol related crime and disorder.

Patterns of crime and disorder, including those for alcohol related crime and violence and 'hot spots' are more of an indicator of behaviour, and are also well recognised. Such 'risk areas' exist in the vicinity of large/high capacity late night venues (clubs/super pubs) and in and around the Market Square and taxi ranks or fast food outlets, where people cluster late at night and where there is increased potential for conflict to break out.

### **Implications arising from cumulative impact**

There is broad consensus that night-time crime and disorder, nuisance and anti-social behaviour and the quality and size of certain licensed premises does have a negative impact on the City Centre, and that something needs to be done.

### **Health Related Issues from the PCT**

The PCT supports a shift in the balance of city centre venues away from large drinking places with little seating and loud music towards smaller venues offering seating and an environment that discourages heavy drinking. More should be done to reduce binge drinking cultures (access and cost being two key variables) especially for young people where harm from alcohol can occur. Existing licence conditions that prohibit the sale of alcohol to people who are already drunk should be enforced. Data from the Accident and Emergency Department on cases and treatments associated with alcohol use and misuse is not currently available for sharing.

### **Planning Services**

The Local Plan reflects concerns raised by the Police and others about the increase in alcohol related public disorder and crime in parts of the City Centre, in the evening and early hours of the morning. It is recognised that large licensed venues can give rise to particular problems of disorder, noise and disturbance. An additional local plan policy (S8) has been introduced which states planning permission will not be granted for high occupancy licensed premises (use class A3 and D2) in the City Centre, unless it can be

clearly demonstrated that they will not give rise to increased noise, disturbance, or anti social behaviour. Applicants for planning permission are required to liaise with the Police and the City Council, to demonstrate that proposals will not give rise to or intensify these problems.

Licensed premises that fall within this category threshold are bound by a planning condition limiting their use to a restaurant only within Class A3 and precluding occupation as a bar or pub. These premises are not considered to add to the problems of City Centre disorder but rather to provide destinations for responsible visitors whose presence in the City Centre is welcomed, benefiting both the City's prosperity and its community safety.

## **Transportation**

### **Buses**

In an average week from 22.00 - 23.00hrs there are 23,430 seats available on NCT buses into/out of the area under consideration. Only 22% of these are currently used. From 23.00 – 04.00hrs there are 19,380 NCT bus seats available per week with only 18% used.

### **Taxis / Private Hire**

A problem here is the matching of supply and demand. In 2003 there were about 380 hackney licenses and 970 private hire vehicles. The problem of “flying” by non-City licensed taxi drivers presents a risk to the travelling public but can also be seen as helping with dispersal of crowds. There is a reluctance of licensed taxis to work late or to pick up customers who have been drinking. This causes a problem because the vacuum is likely to be filled by the unlicensed cabs.

Taxis/private hire also contribute to noise in the street – horns and car doors, and so disturb residents. A Survey of Unmet Demand is currently under way and this will be reported to the Council. The results of the survey will help the Council decide whether to remove the limit on the number of taxis. Indications are that many people in the 18 – 35 age group prefer not to use, or do not have access to, a car and will use public transport such as a bus into the city and shared taxi home.

### **Public Nuisance**

Anti-social behaviour including vomiting and urinating in the city centre are frequent activities after dark and especially during the busy weekend period; an increase in numbers of people going in to licensed premises may lead to an increase in this problem. Litter is a regular problem and comes from take-away food which feeds a major rat problem in the city centre and flyers and tickets used to advertise clubs and drinks promotions.

Having no contract to remove waste causes problems with smaller premises and their lack of storage means that bags are often left on streets and in communal alleys and similar areas adding to the current city centre rats problem.

## **Noise**

The cumulative impact of noise is a serious concern as more pubs, clubs, café-bars and others use loud music to attract customers. Although conditions are attached at the planning stage these are sometimes ignored when the premises start operating and the close proximity of residential accommodation to licensed premises leads to noise complaints from residents in the city centre as does noise in the street from queues and crowd movement. Early morning noise comes from emptying of skips of rubbish and empty bottles.

The Pollution Control Service supports the proposal to maintain a special policy.

The night cleansing service operates from midnight to 07:00hrs the following morning. In particular the matters found by the service include glass waste, street litter and litter from food vendors and advertising of licensed premises and vomit and urine in the street and alleyways. Staff attempting to deal with these problems frequently suffer abuse and a risk to their health and safety because of the behaviour of the perpetrators.

## **EXISTING CONTROLS FOR ALCOHOL RELATED CRIME**

Within the city centre the following existing controls are regularly employed:

The City Centre Alcohol Street Designation Order is a street drinking ban that makes it an offence to consume alcohol from a container when asked not to do so by an authorised officer in any street within the designated area. This was made in mid-2005 and covers a major part of the \Saturation Zone. The previous byelaws were most effective in dealing with street drinking by chronic alcohol users.

CCTV Surveillance – There are over 20 high definition cameras in public places with the purpose of reducing the fear of crime, protecting property and increasing personal safety of residents, visitors, workers, shoppers.

Taxi Marshalling - Persons trained as Door Supervisors and employed by the city council maintain orderly queues at taxi ranks in the city centre. The scheme has been successful with no reported incidents occurring and will be repeated.

Door Supervisor Scheme - The City Council Registered Door Supervisor Scheme, launched in 1997 in partnership with the Police, has won praise from the trade and public alike for its achievements in reducing incidents at licensed premises and detecting drugs. The scheme is now operated by the Security Industry Agency.

Problem Licensed Premises - The Central Police Division has established this scheme for use with those licensed premises that have high levels of reported crime and/or public order incidents. The scheme uses an action planning approach to reduce incidents levels to a minimal level.

Other Police Enforcement Powers – There is an array of enforcement powers under current licensing legislation including temporary closure for 24 hours and Dispersal Orders that stop antisocial behaviour by groups of persons in the street. In the last 6 months these powers have been used in connection with the Alcohol Misuse Enforcement Campaign with the result that a number of licensees were found to be flaunting the law by admitting and serving to underage persons on licensed premises. In relation to drinkers, over 80 fixed penalty notices were issued for public order offences and 55 arrests were made for drink related matters.

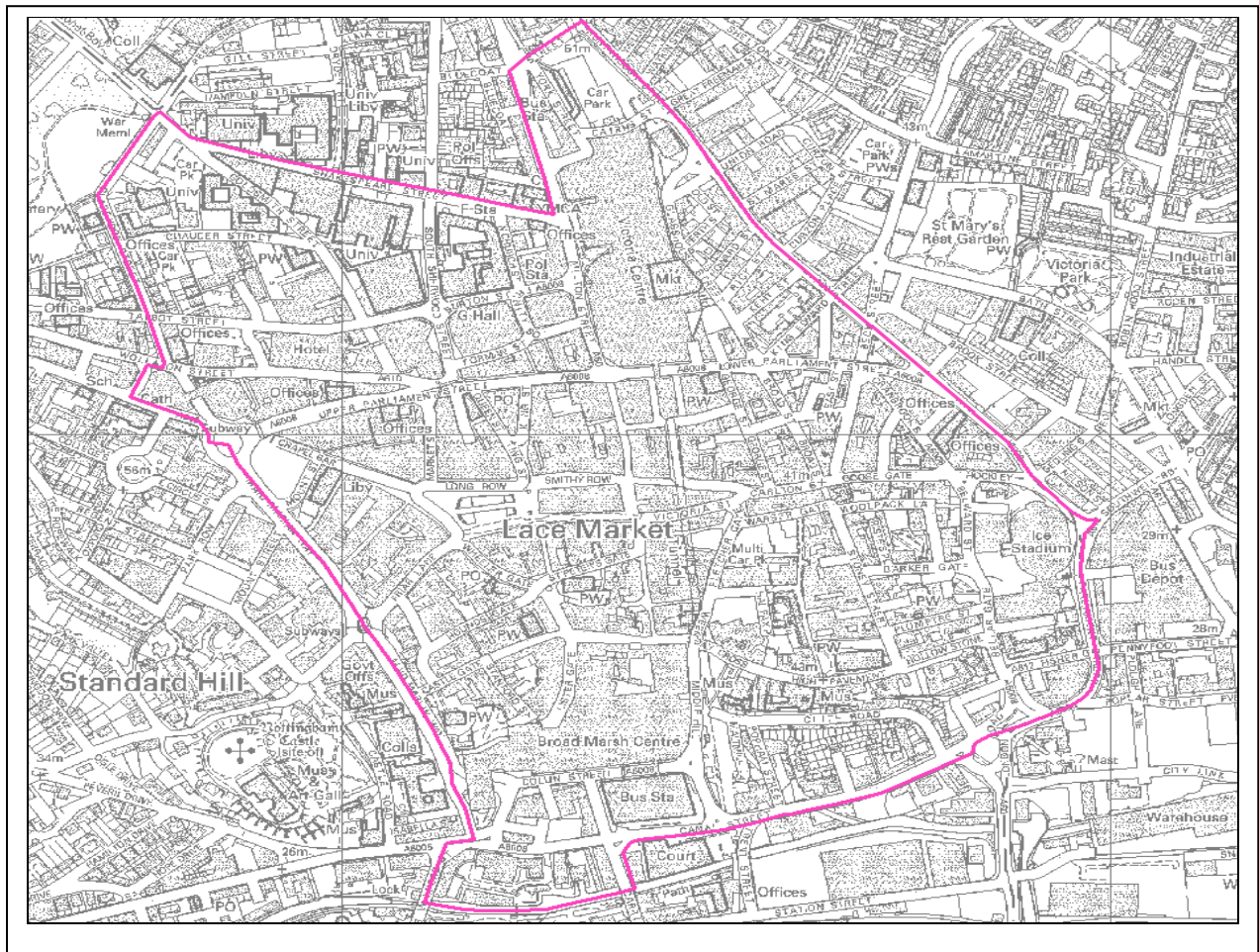
## **Implications**

Despite the measures outlined above which are already available and being used to tackle the issue of alcohol related crime, disorder and nuisance, there is broad consensus that such behaviour and the quality and size of certain licensed premises had and continues to have a negative impact on the City Centre, and that something further needs to be done to tackle these issues arising from the cumulative impact of the high number of licensed premises in the City Centre. In the light of the evidence obtained therefore the Saturation Zone and policy have been devised to operate alongside the existing measures available and act as a further tool to restrict the growth of the crime,

disorder and nuisance arising within the saturation zone and undermining the licensing objectives.



## City Centre Saturation Zone



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# **APPENDIX 2**

## **PROPOSED STATEMENT OF LICENSING POLICY SUMMARY OF MAIN CHANGES**

## APPENDIX 2

### SUMMARY OF THE MAIN CHANGES TO THE PROPOSED STATEMENT OF LICENSING POLICY

Certain changes have been made taking into account matters raised during the life of the current Statement which are designed to enable people reading the Statement better informed of the purpose of the Statement, the context within which Nottingham sits as a City and Regional Centre and matters that have emerged of relevance when making and application for licence. Issues relating to the former Transition Period have been removed.

REFERENCE	CHANGE
Page 3	Addition of a preface setting out the context within which the background to the Statement sits.
Section 1	Revised Introduction bringing Nottingham's economic and social position up to date.
Section 3	Addition of a section dealing with consultation matters in relation to the Statement.
Section 4	Addition of a section setting out the functions of a licensing authority.
Section 5	Addition of a section explaining the purpose of the Statement.
Section 7	An expanded section dealing with strategic links to the Statement and other regulatory regimes.
Section 8	A new section explaining how the City Council as a Licensing Authority will work with others in delivering the regime and limitations placed upon it by the licensing regime.
Section 9	A revised section dealing with the making of applications and matters pertinent to that process including a new piece reflecting the Minister's advice to Authorities about licensable hours.
Section 12	A new section dealing with delivery of the regime under the Statement in relation to Equality and Diversity.
Appendix D	The current evidence supporting the Special Policy on Cumulative Impact is provided for information. It is expected that during consultation this evidence will be reviewed and presented to Council later this year.

# **APPENDIX 3**

## **ALCOHOL DESIGNATED PUBLIC PLACE ORDERS**

### **TIMETABLE FOR IMPLEMENTING THE PROPOSED ORDERS**

## APPENDIX 3

### ALCOHOL DESIGNATED PUBLIC PLACE ORDERS - TIMETABLE FOR IMPLEMENTING THE PROPOSED ORDERS

<u>No.</u>	<u>Action</u>	<u>Original Timescale</u>	<u>By Whom</u>	<u>Outcome</u>
1	Prepare draft plan of area to be covered by Order.	By 15 September 2006	Tim Coulson(TC) and Media and Mapping Services	Completed
2.	Agree draft plan with area committees and Police	By 29 September 2006	Jointly by TC, Area Managers (AMs), Legal Services, Police, wardens/CPOs	Completed
3.	Prepare list of statutory consultees (Police, area committees, licensees, land owners/residents)	By 6 October 2006	Jointly by AMs, legal, TC/ Licensing.	Completed for area 6, outstanding for area 4 and 5
4.	Obtain and consider supporting evidence from Police and other parties	By end October 2006	Jointly by AMs, legal, Police, wardens/CPOs, TC.	In progress for area 6. Evidence being gathered for areas 4 and 5.
5.	Prepare draft Order and consultation letter.	By end October 2006	Legal in consultation with and TC.	Extended to end mid-June 2007 to capture available evidence
6.	Report to full Council with request to authorise consultation and publication and proceed with proposals (and to report back if substantive representations received)	March 2007	TC in consultation with Legal	Programmed for 16 July 2007 Council (delayed due to gathering additional evidence and first available Council meeting)

7.	Consultation letters delivered to statutory consultees and ward members.	Revised to July 2007	TC via Traffic Enumerators/Communication Officer (CO)	
8.	(1) Publication of notice of proposals in local newspaper and (2) Delivery of leaflets to all households within Order area (and at boundary) - landowner notification. (3) Depositing of leaflets in public places and licensed premises	Revised to July 2007	(1) Legal to arrange (2), (3) TC/CO to arrange	
9.	Closing date for receipt of representations	End august 2007	Legal/TC	
10.	Report back to full Council regarding representations	November 2007	TC jointly with Legal.	
11.	Make Order.	Mid December 2007	Legal	
12.	(1) Publication of notice of making of order and (2) Erection of signs on street.	Mid December 2007	(1) Legal to arrange (2) TC/CO to arrange	
13.	Order comes into force.	January 2008		

# **APPENDIX 4**

## **Nottingham City Alcohol Harm Reduction Strategy**

### **Action Plan 2007/08**

## APPENDIX 4

### Nottingham City Alcohol Harm Reduction Strategy Action Plan 2007/08

#### Purpose of the Paper

1. To describe the development of, and recommend, the 2007/08 priorities for action necessary to implement the Nottingham City Alcohol Harm Reduction Strategy agreed by the CDP Board in September 2006.

#### Background

2. The CDP Board has endorsed the following Overall Strategic Aim and thematic sections:

***To Reduce Alcohol-Related Harm In Nottingham City Through Effective Partnership Working, addressing the following themes:***

- **Information, Communication and Prevention:** To increase the knowledge and understanding of alcohol misuse and alcohol-related harms with a view of changing attitudes to irresponsible drinking.
  - **Crime and Disorder and Anti-social Behaviour:** To reduce the rate of alcohol-related crime, disorder and nuisance.
  - **Identification, Treatment and Support:** To improve identification and ensure treatment and support services for people with alcohol related problems and their families or carers are appropriate, effective and accessible.
  - **Young People:** To reduce the negative impact alcohol has on young people and their families, and to encourage a safe relationship with alcohol.
  - **University Students:** To reduce the negative impact that alcohol has on students and their communities, and to promote a safe relationship with alcohol.
3. In addition to the thematic sections, there were also various cross-cutting issues that re-emerge within each thematic section.
    - **Health:** To reduce the level of alcohol-related ill health
    - **Workplace:** To promote alcohol awareness at work and support employers in adopting workplace alcohol policies
    - **Working with the Industry:** To work in partnership with the alcoholic drinks industry at a local level to promote responsible management of premises, sensible drinking and highlight and contribute to the reduction of alcohol-related harms



4. The Board also endorsed an annual review of the 3 year strategy identifying the following priorities for implementation:
  - **Strategy ownership and accountability** – nomination of lead for key thematic sections
  - **Alcohol Treatment** – Delivery of brief interventions and identification of need
  - **Working with the industry** to promote responsible licensing
  - **Information Management** and data collection

### Statutory Responsibility

<sup>1</sup>

5. The Police and Justice Act 2006 has introduced an additional duty on the responsible authorities<sup>1</sup> to formulate and implement a strategy for combating the misuse of alcohol in their area.

### Consultation

6. The CDP Director (Strategy & Commissioning) has met with nominated leads from CDP Partner agencies and the Children and Young People's Strategic Partnership to identify priorities for 2007/08. The outcomes of those meetings are outlined in the 2007/08 Action Plan (Annex A) and have been discussed by the Alcohol Reference Group, The Alcohol Related Violent Crime Group and the Drug and Alcohol Joint Commissioning Group. There is a service user representative on the Alcohol Reference Group but the Alcohol Service User Group will be consulted before implementation of this plan.

### Diversity and Equality

7. An initial screening equalities impact assessment has been completed (Annex B).  
*To be completed*

### Resources and Priorities

8. In light of the pragmatic approach endorsed by the Board the majority of the Action Plan will be delivered within current resources or self funded. However ***it is recommended that engaging with the Emergency Department (QMC) and the reduction of under age drinking be prioritised for partnership "pump priming" funding with a commitment to mainstreaming in 2008/09.***
9. Engaging with the Emergency Department is essential for signposting individuals to alcohol treatment services and to further understand the impact of alcohol related violence. There is a real opportunity to develop services and information gathering based on the nationally regarded "Cardiff Model" which is likely to have resource implications.

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<sup>1</sup> The responsible authorities are Nottingham City Council, Nottinghamshire Police, Nottingham City Primary Care Trust, Nottinghamshire Police Authority, Nottinghamshire Fire and Rescue Authority

10. Criminal damage represents XX% of the basket of BCS Comparator Crimes and is providing resistant to significant reduction. Alcohol use, particularly under age drinking, is associated with both anti-social behaviour and criminal damage. Currently Nottingham City Council has a full time officer dealing with alcohol, solvents and fireworks. In order to sustain a campaign against the illegal supply of alcohol in those areas blighted by criminal damage it is recommended that an additional trading standards officer be recruited with this specific brief.

## Governance

11. Currently the CDP is advised by two partnership groups. Treatment is covered by the Alcohol Reference Group (ARG) made up primarily by providers of services plus representation from the Alcohol Service Users Group. Enforcement and licensing is covered by the Alcohol Related Violent Crime Group (ARVCG). In addition alcohol related crime and anti-social behaviour is also part of the Respect for Nottingham Strategy. The consideration of treatment and enforcement in separate groups is militating against sensible planning with prevention in particular falling between the two. **Therefore it is recommended that the ARG and ARVCG be combined to act as the Alcohol Delivery and Advisory Group (ADAG) responsible to both the CDP and Respect for Nottingham Board.**

## Commissioning

12. The Nottingham Drug Action Team accepted responsibility for partnership alcohol planning in early 2004 but the responsibility for the commissioning of alcohol treatment services was never transferred from the Primary Care Trust to the Partnership. This has not been pursued in the subsequent years because of the ongoing reorganisation within the NHS. With the reorganisation of the NHS coming to an end and the addition of alcohol as a statutory responsibility of the CDP **it is recommended that the commissioning arrangements for alcohol services be reviewed.**

## Action Plan 2007/08

13. The attached Action Plan (Annex A) is based on the process outlined above and takes into consideration the overall strategy and the previously identified priorities for implementation. A pragmatic approach has been taken with the emphasis of affordable, but impactful, change. **It is recommended that the Board agree the Action Plan.**

## Board Review

14. In order to review progress of the 2007/08 Action Plan and to consider priorities for 2008/09 **it is recommended that the Board receives a further report in September 2007.**

## Annex A

### Nottingham Alcohol Harm Reduction Action Plan 2007/08

<p><b>1. Information, Communication and Prevention:</b> To increase the knowledge and understanding of alcohol misuse and alcohol-related harms with a view of changing attitudes to irresponsible drinking.</p>	
<p><b>Action 1.1</b> To develop alcohol related information from the QMC Emergency Department (ED) in order to improve the understanding of alcohol use and its association with health and crime. (See 3.1)</p>	
<p><b>Rationale</b> The NHS can contribute distinctively and effectively to Crime and Disorder Reduction Partnerships by sharing (electronically) simple ED data about precise location of violence and disorder, weapon use, assailants and day/time of violence. These data, and the contributions of NHS public health and/or ED consultants in CDP meetings and city licensing committees enhance effectiveness of targeted policing significantly, reduce licensed premises and street violence, reduce injury sustained with bar glasses and bottles and reduce overall ED violence related attendances - in Cardiff, by 30% over three years. This partnership approach has had a dramatic effect on the place of Cardiff in the violence league table. The city has moved from mid table to safest city in its Home Office family of 15 similar cities now, a position which had been maintained for over two years.</p>	
<p><b>Partnership Lead</b> Roger Williams Nottingham PCT 0115 845 4545</p>	<p><b>CDP Management Lead</b> Sally Hughes 0115 915 6363</p>
<p><b>Milestones</b></p>	<p><b>Resources</b></p>
<p><b>Action 1.2</b> To develop a common approach to alcohol workforce policies initially with CDP partnership agencies and then other employers.</p>	
<p><b>Rationale</b> The CDP partnership agencies are all major employers. Workforce Alcohol policies with a significant health promotion/education component can provide a sustainable mechanism for appropriate messages and information. Co-ordinated across partnership agencies the messages could be reinforced by public campaigns both local and national</p>	
<p><b>Partnership Lead</b> Tracy Selsby, Team Leader, Wellbeing &amp; Health Improvement, Nottingham City Council</p>	<p><b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007</p>
<p><b>Milestones</b></p>	<p><b>Resources</b></p>

<b>2. Crime and Disorder and Anti-social Behaviour:</b> To reduce the rate of alcohol-related crime, disorder and nuisance.	
<b>Action 2.1</b> To develop a inter-agency, multi-disciplinary case conferencing approach to very heavy/street drinkers addressing both their care needs and the needs of their neighbourhoods if their drinking is causing anti-social behaviour.	
<b>Rationale</b> The Respect for Nottingham Strategy has already established a case conferencing approach to street drinking and it is recommended that this is extended to other heavy drinkers who may not drink on the streets but still cause problems in their neighbourhoods, to those at risk of becoming street /anti-social drinkers and to those whose drinking put themselves at risk. This approach has been very successful in reducing begging within the city centre. (Also linked to Theme 3)	
<b>Partnership Lead</b> To be agreed	<b>CDP Management Lead</b> Helen Dickman-Joal 0115 915 6380
<b>Milestones</b>	<b>Resources</b>

<b>Action 2.2</b> To develop a sustained and extensive programme to reduce under age drinking in areas with high levels of criminal damage/anti social behaviour with an emphasis on reducing the serving of alcohol to under 18s in off licences.	
<b>Rationale</b> Underage drinking is a problem linked to criminal damage. The Offending Crime and Justice Survey (2004) shows that a significant proportion of criminal damage offences are committed under the influence of alcohol, more so than violence. In areas where criminal damage related to alcohol is a problem, working with trading standards to ensure proper enforcement of existing regulations is important. It will be important to co-ordinate other youth and diversionary activities	
<b>Partnership Lead</b> Joint Lead - Clare Gilbert, Children's Services and Caraline Ryan, Trading Standards	<b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007 Helen Dickman-Joal 0115 915 6380 until April 2007
<b>Milestones</b>	<b>Resources</b>

<b>Action 2.3</b> To develop a sustained and extensive programme to reduce under age drinking in areas with high levels of criminal damage/anti social behaviour with an emphasis on reducing the serving of alcohol to under 18s in off licences.	
<b>Rationale</b> Underage drinking is a problem linked to criminal damage. Criminal damage represented 25.2% of the BCS Comparator crimes used to assess progress against the PSA1 target and remains below target this year representing over 50% of the overall deficit on the PSA1 target to date. The Offending Crime and Justice Survey (2004) shows that a significant proportion of criminal damage offences are committed under the influence of alcohol, more so than violence. In areas where criminal damage related to alcohol is a problem, working with trading standards to ensure proper enforcement of existing regulations is important. It will be important to co-ordinate other youth and diversionary activities	
<b>Partnership Lead</b> Joint Lead - Clare Gilbert, Children's Services and Caraline Ryan, Trading Standards	<b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007 Helen Dickman-Joal 0115 915 6380 until April 2007
<b>Milestones</b>	<b>Resources</b> Funding for additional trading standards officer recommended for "pump priming" from partnership funds. (Estimate £30K)

<b>Action 2.4</b> To assess the links between cocaine and alcohol use and the impact on violent crime by using "inspector's discretion" to test for drug use on arrest for violent crime for a period of 3 months.	
<b>Rationale</b> The combination of alcohol and cocaine is popular among drug users, perhaps because of more intense feelings of 'high' beyond that perceived with either drug alone. Both prospective and retrospective data further reveal that co-use leads to the formation of cocaethylene, which may potentiate the cardiotoxic effects of cocaine or alcohol alone. More importantly, retrospective data suggest <b><i>that the combination can potentiate the tendency towards violent thoughts and threats, which may lead to an increase of violent behaviours.</i></b> Local testing has shown high levels of cocaine residue in bars and clubs in the city centre indicating significant use of cocaine in venues also selling alcohol. It is the combination of the medical research and the local indications of high levels of cocaine use that justifies the use of "inspectors discretion" as there is a probability that the violent crime could be associated with drug use.	
<b>Partnership Lead</b> Police - to be confirmed	<b>CDP Management Lead</b> Ellen Martin 0115 915 6365
<b>Milestones</b>	<b>Resources</b>

<b>Action 2.5</b> To work with the alcohol industry to encourage responsible serving and consumption of alcohol and to manage the consequences of alcohol use.	
This action includes several inter-related initiatives including <ul style="list-style-type: none"> <li>• expanding the range and scope of Best Bar None</li> <li>• expanding Pubwatch</li> <li>• making the city centre glass free</li> <li>• establishing Business Improvement Districts.</li> </ul> The recruitment of a CDP Night Time Economy Co-ordinator will be essential to co-ordinate these and other initiatives	
<b>Partnership Lead</b> Tim Coulson, Alcohol Harm Lead, City Council	<b>CDP Management Lead</b> Clair Brandon-White, Night Time Economy Co-ordinator 0115 915 6381
<b>Milestones</b>	<b>Resources</b> The alcohol industry will fund the Night Time Economy Co-ordinator through a combination of membership fees for Pubwatch and the Business Improvement District if agreed

<b>3. Identification, Treatment and Support:</b> To improve identification and ensure treatment and support services for people with alcohol related problems and their families or carers are appropriate, effective and accessible.	
<b>Action 3.1</b> To develop: <ul style="list-style-type: none"> <li>• a screening tool for use at the Emergency Department (ED)</li> <li>• further opportunities to engage with problematic alcohol users</li> <li>• pathways into appropriate treatment once engaged</li> </ul>	
<b>Rationale</b> This action is linked to 1.1. The consequences of collecting more information at the ED will be to identify more people suitable for treatment. It will be essential to meet that demand to ensure the continuing engagement of ED.  The current weekly voluntary alcohol clinic in ED is under utilised and other opportunities for engagement need to be identified and developed with the potential for morning after visits to the ED wards and alcohol clinics in conjunction with follow up clinics such as the fracture clinic.  Pathways to appropriate treatment will need to be established and treatment services will need to evolve in light of this emerging client group. There will need to be involvement the heavy/street drinking case conferencing (Action 2.1). An area for particular development will be links with the universities as binge drinking by students is placing heavy demands on the ED. (Action 5.1)	
<b>Partnership Lead</b> Roger Williams, PCT 0115 845 4545	<b>CDP Management Lead</b> Sally Hughes 0115 915 6363
<b>Milestones</b>	<b>Resources</b> Funding for 2 additional alcohol liaison officers recommended for “pump priming” from partnership funds (Estimate £90K)

<p><b>Action 3.2</b> To develop:</p> <ul style="list-style-type: none"> <li>• a screening tool for use with offenders engaged with the Probation Service (Consistent with 3.1)</li> <li>• pathways into appropriate treatment once identified as a problematic alcohol user</li> </ul>	
<p><b>Rationale</b> Offenders are a high risk group in terms of alcohol consumption. Screening whilst engaged with the Probation service provides an opportunity for individuals to reassess their lifestyles. This is not designed for offenders whose alcohol use is associated with their offending (See 3.3). It will be necessary to ensure that treatment services evolve to meet this emerging client group.</p>	
<p><b>Partnership Lead</b> Hardyal Dhinsda, PCT 0115 845 4545</p>	<p><b>CDP Management Lead</b> Ellen Martin 0115 915 6365</p>
<p><b>Milestones</b></p>	<p><b>Resources</b></p>

<p><b>Action 3.3</b> To introduce Alcohol Treatment Requirements as an option for offenders whose offending is linked to their alcohol use.</p>	
<p><b>Rationale</b> This is a national requirement and will need to be a priority for current treatment services. There will be a need to develop inter-agency working with appropriate information sharing to ensure compliance with the order.</p>	
<p><b>Partnership Lead</b> Hardyal Dhinsda, PCT 0115 845 4545</p>	<p><b>CDP Management Lead</b> Ellen Martin 0115 915 6365</p>
<p><b>Milestones</b></p>	<p><b>Resources</b></p>

<p><b>Action 3.4</b> To identify problematic drug users who are at risk of injury in the home, particularly those at risk of fire related injury or death and refer to Fire Service for a priority Home Safety Check</p>	
<p><b>Rationale</b> 38 out of the last 45 fire related deaths in Nottinghamshire have been alcohol related. A typical profile being a 60 year old man living alone.</p>	
<p><b>Partnership Lead</b> Ian Taylor, Fire Service</p>	<p><b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007</p>
<p><b>Milestones</b></p>	<p><b>Resources</b></p>

<p><b>Action 3.5</b> To secure 300 hours of “floating support” per week in order to maintain tenancies for 60-100 individuals whose tenancy is threatened by their alcohol use</p>	
<p><b>Rationale</b> This action is being led through Supporting People with support from the CDP.</p>	
<p><b>Partnership Lead</b> Antony Dixon, Supporting People</p>	<p><b>CDP Management Lead</b> Sally Hughes 0115 915 6363</p>
<p><b>Milestones</b></p>	<p><b>Resources</b></p>

<b>4. Young People:</b> To reduce the negative impact alcohol has on young people and their families, and to encourage a safe relationship with alcohol.	
<b>Action 4.1</b> To deliver alcohol education in all Nottingham schools, accredited through the Healthy Schools programme, by December 2009	
<b>Rationale</b> This theme of the strategy is the responsibility of the Children and Young People's Partnership (CYPP). Currently 50 % of schools are accredited (December 2006). A new Drug and Alcohol Strategy is being considered by the CYPP in the next month. Interim targets are yet to be set for 2007 and 2008	
<b>Partnership Lead</b> Clare Gilbert, Childrens Services	<b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007
<b>Milestones</b>	<b>Resources )</b>

<b>Action 4.2</b> To implement the Hidden Harm Strategy which is designed to protect children whose safety is threatened by alcohol use in the home.	
<b>Rationale</b> This is a joint piece of work between the CDP and the CYPP. Adult alcohol services are key in identifying children at risk and current arrangements and protocols will be reviewed.	
<b>Partnership Lead</b> Clare Gilbert, Childrens Services	<b>CDP Management Lead</b> Sally Hughes 0115 915 6363
<b>Milestones</b>	<b>Resources )</b>

<b>5. University Students:</b> To reduce the negative impact that alcohol has on students and their communities, and to promote a safe relationship with alcohol	
<b>Action 5.1</b> To work with the Universities to develop appropriate pastoral and treatment responses for students identifies at risk of harm from alcohol (See 3.1)	
<b>Rationale</b> The Emergency Department has identified an increasing number of university students attending for alcohol related conditions. It is essential that if these individuals are identified that there is an appropriate referral pathway and response into student pastoral and support systems.	
<b>Partnership Lead</b> Joint Lead- Melanie Futer, Nottingham University, Sarah Bustard, Nottingham Trent University, Tim Coulson, City Council.	<b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007
<b>Milestones</b>	<b>Resources )</b>



<b>Action 5.2</b> To ensure we maximise opportunities to provide sensible drinking messages to students over and above the Fresher's Week approach	
<b>Rationale</b> The Fresher's Week is a key opportunity to give out sensible drinking messages but there is competition from other sources including the alcohol industry which is likely to minimise its impact.	
<b>Partnership Lead</b> Joint Lead- Melanie Futer, Nottingham University, Sarah Bustard, Nottingham Trent University, Tim Coulson, City Council.	<b>CDP Management Lead</b> Strategy Officer (Alcohol) to be recruited by April 2007
<b>Milestones</b>	<b>Resources )</b>

# **APPENDIX 5**

## **ALCOHOL HARM REDUCTION STRATEGY**

### **ACTION PLAN**

#### **CITY COUNCIL ACTIONS/INPUTS**

**ALCOHOL HARM REDUCTION STRATEGY ACTION PLAN**

**City Council Actions/Inputs**

**21 May 2007**

<b>AHRS reference</b>	<b>Action</b>	<b>Rationale</b>	<b>Commentary</b>
1.1	To develop alcohol related information from the QMC Emergency Department (ED) in order to improve the understanding of alcohol use and its association with health and crime.	The NHS can contribute distinctively and effectively to Crime and Disorder Reduction Partnerships by sharing (electronically) simple ED data about precise location of violence and disorder, weapon use, assailants and day/time of violence. These data, and the contributions of NHS public health and/or ED consultants in CDP meetings and city licensing committees enhance effectiveness of targeted policing significantly, reduce licensed premises and street violence, reduce injury sustained with bar glasses and bottles and reduce overall ED violence related attendances - in Cardiff, by 30% over three years. This partnership approach has had a dramatic effect on the place of Cardiff in the violence league table. The city has moved from mid table to safest city in its Home Office family of 15 similar cities now, a position which had been maintained for over two years.	Initial scoping meeting held to identify the links that influence problem drinking in the local population and the pathways by which access to services, treatment and intervention may be obtained. Further meetings being held to agree an initial survey at ED and agreement obtained from ED consultants to capture the data.

1.2	To develop a common approach to alcohol workforce policies initially with CD partnership agencies and then other employers.	The CDP partnership agencies are all major employers. Workforce Alcohol policies with a significant health promotion/education component can provide a sustainable mechanism for appropriate messages and information. Co-ordinated across partnership agencies the messages could be reinforced by public campaigns both local and national	Action plan developed with PCT to action this matter, together with City HR/Health input. Already identified links with the City's refresh of the workforce strategy and health inequalities agenda.
2.1	To develop a inter-agency, multi-disciplinary case conferencing approach to very heavy/street drinkers addressing both their care needs and the needs of their neighbourhoods if their drinking is causing anti-social behaviour.	The Respect for Nottingham Strategy has already established a case conferencing approach to street drinking and it is recommended that this is extended to other heavy drinkers who may not drink on the streets but still cause problems in their neighbourhoods, to those at risk of becoming street /anti-social drinkers and to those whose drinking put themselves at risk. This approach has been very successful in reducing begging within the city centre. (Also linked to Theme 3)	Work already in progress as regards street drinkers through CDP - street drinkers is a high priority task for Respect Board, wardens and police. Merging of the alcohol reference group with the enforcement task group should help progress this matter. The PCT as commissioners can influence the approach of treatment providers to problem drinkers.

2.2	To develop a sustained and extensive programme to reduce under age drinking in areas with high levels of criminal damage/anti social behaviour with an emphasis on reducing the serving of alcohol to under 18s in off licences.	Underage drinking is a problem linked to criminal damage. The Offending Crime and Justice Survey (2004) shows that a significant proportion of criminal damage offences are committed under the influence of alcohol, more so than violence. In areas where criminal damage related to alcohol is a problem, working with trading standards to ensure proper enforcement of existing regulations is important. It will be important to co-ordinate other youth and diversionary activities	Currently in progress with police and trading standards involvement. CDP propose to fund additional post in Trading Standards. Trading Standards and YOT to lead the delivery group.
2.5	To work with the alcohol industry to encourage responsible serving and consumption of alcohol and to manage the consequences of alcohol use.	<p>This action includes several inter-related initiatives including</p> <ul style="list-style-type: none"> <li>• expanding the range and scope of Best Bar None (BBN)</li> <li>• expanding Pubwatch</li> <li>• making the city centre glass free</li> <li>• establishing Business Improvement Districts.</li> </ul> <p>The recruitment of a CDP Night Time Economy Co-ordinator will be essential to co-ordinate these and other initiatives</p>	The City Council operates best bar none responsible licensee scheme in partnership with the private sector and the police operate the top - 15 problem licensed premises scheme. BBN expanding across the whole City 2007 and the greater Nottm conurbation 2008. Pubwatch refresh proceeding via City Centre BID project. Glass-free Nottingham proposal being scoped with trade and Police. Refreshed Alcohol Delivery Group formed along lines of ARC Group.

3.0	To improve identification and ensure treatment and support services for people with alcohol related problems and their families or carers are appropriate, effective and accessible.	<p>This action is linked to 1.1. The consequences of collecting more information at the ED will be to identify more people suitable for treatment. It will be essential to meet that demand to ensure the continuing engagement of ED.</p> <p>The current weekly voluntary alcohol clinic in ED is under utilised and other opportunities for engagement need to be identified and developed with the potential for morning after visits to the ED wards and alcohol clinics in conjunction with follow up clinics such as the fracture clinic.</p> <p>Pathways to appropriate treatment will need to be established and treatment services will need to evolve in light of this emerging client group. There will need to be involvement in the heavy/street drinking case conferencing (Action 2.1). An area for particular development will be links with the universities as binge drinking by students is placing heavy demands on the ED. (Action 5.1)</p>	See item 1.1 above.
4.1	To deliver alcohol education in all Nottingham schools, accredited through the Healthy Schools programme, by December 2009	This theme of the strategy is the responsibility of the Children and Young People's Partnership (CYPP). Currently 50 % of schools are accredited (December 2006). A new Drug and Alcohol Strategy is being considered by the CYPP in the next month. Interim targets are yet to be set for 2007 and 2008.	Joint development with Children's Services yet to be progressed. Clare Gilbert and Sally Hughes to jointly lead. Recent meeting with Clare to scope out projected actions and likely cost to City Council.

4.2	To implement the Hidden Harm Strategy which is designed to protect children whose safety is threatened by alcohol use in the home.	This is a joint piece of work between the CDP and the CYPP. Adult alcohol services are key in identifying children at risk and current arrangements and protocols will be reviewed.	Joint development with Children's Services yet to be progressed. Clare Gilbert and Sally Hughes to jointly lead. Recent meeting with Clare to scope out projected actions and likely cost to City Council.
5.1	To work with the Universities to develop appropriate pastoral and treatment responses for students identifies at risk of harm from alcohol.	The Emergency Department has identified an increasing number of university students attending for alcohol related conditions. It is essential that if these individuals are identified that there is an appropriate referral pathway and response into student pastoral and support systems.	Action Plan scoped with both universities. Matter will be progressed through the joint university Alcohol and Drugs External Liaison Group. This group has CDP representation.
5.2	To ensure we maximise opportunities to provide sensible drinking messages to students over and above the Fresher's Week approach.	The Fresher's Week is a key opportunity to give out sensible drinking messages but there is competition from other sources including the alcohol industry which is likely to minimise its impact.	This is being dealt with under the above action (5.1).