

Nottingham City Council Statement of licensing policy



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Our Vision

To promote Nottingham as a safe and healthy environment in which responsible operators provide lawful and responsible facilities for the enjoyment of the City's residents and visitors

The statement of licensing policy is underpinned by four core objectives

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

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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 prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the period to which the policy applies. The Statement of Licensing Policy can be reviewed and revised by the authority at any time.
- 1.2 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 are 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.
- 1.3 Nottingham City Council licences over 1,200 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 economies 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 they operate, 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.

1.4 This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues such as anti-social behaviour, crime and disorder, irresponsible promotions, noise, nuisance, underage sales and poor licensing practices 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; and
- Supporting related policies and strategies of the Council.
- An inspection and enforcement regime targeted at premises that present a high risk e.g. premises that have a track record of non-compliance.

1.5 The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Authority will take in carrying out its licensing functions.

1.6 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. Partnership working between licensing authorities in Nottinghamshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

1.7 This Policy Statement works alongside existing Council strategies and priorities in relation to crime prevention, regeneration, planning, transport, tourism, race equality and culture.

1.8 This Policy Statement also supports the City Council Plan 2009-2012 which creates a vision for the City and in particular makes reference to the following priorities:

- making Nottingham a distinctive destination which offers residents and visitors alike an attractive City with a friendly face and vibrant culture and leisure opportunities (Priority WCN2)

- having significantly less anti-social behaviour (in particular drugs and alcohol) overall and in every neighbourhood (Priority SN2)
- 1.9 This Policy also supports the work carried on by the Nottingham Leisure Business Improvement District to raise the standards for customers and businesses.
- 1.10 Nothing in this Policy Statement 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 controls will be introduced or imposed unless they are felt to be necessary and appropriate.
- 1.11 There are certain matters which 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 6 of this Policy Statement.
- 1.12 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of any Responsible Authority or Interested Party to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

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 prescribed mandatory conditions 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 such conditions as are felt appropriate by the Authority. However, before conditions can be imposed on a licence, the Authority must be satisfied 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. The imposition of standardised conditions is 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 and further details regarding such conditions can be obtained from the Licensing Officer.

2.6 **PREVENTION OF CRIME AND DISORDER**

2.7 In all applications relating to premises licences and club premises certificates the Licensing Authority encourages applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

2.8 The Council is committed to reducing crime and disorder across the city and

ensuring that Nottingham is a safe place to live and that it is a vibrant part of the country that people wish to visit. The Council's vision is to reduce crime and the fear of crime across the city by working together with partners and the communities we serve. The Licensing Authority encourages relevant businesses to participate in local Pub Watch schemes or similar forums where it is set up, and where this helps secure and / or promotes the licensing objectives.

2.9 National and local crime statistics and research indicate that the consumption of alcohol can be a significant contributory factor to levels of crime and disorder. The Licensing Authority recognises that impacts of premises differ according to their styles and characteristics. Some large venues and high volume vertical drinking establishments that promote irresponsible drinking make a disproportionate contribution to crime and disorder.

2.10 The Licensing Authority endorses sensible drinking which may more often be achieved at premises which offer a range of licensable activities such as theatres, live music venues and venues that provide food and drink in a seated environment. Good management, best practice and procedures in licensed premises can make an important difference to the level of alcohol-related crime in the vicinity of the premises. However, the licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. Some potential risks and possible solutions under this objective are addressed in Appendix A.

2.11 PUBLIC SAFETY

2.12 The carrying on of licensable activities may involve potential risks to the safety of the public and to persons working at the premises. Additionally, crime and disorder both inside and outside the premises may also compromise public safety. The Licensing Authority is committed to ensuring the safety of persons visiting and working in licensed premises. Accordingly, where other legislation fails to make suitable provision to ensure public safety, the Licensing Authority will exercise its licensing functions to secure the safety of members of the public and staff.

2.13 The steps required to ensure public safety vary according to the individual style and characteristics of the premises, the nature of the proposed licensable activities/regulated entertainment to be provided at the premises and the anticipated number of persons attending the premises. Some potential risks and possible solutions under this objective are addressed in Appendix A.

2.14 PUBLIC NUISANCE

- 2.15 The Licensing Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. The Guidance to the Act asserts that the prevention of public nuisance could include low-level nuisance affecting a few people living locally as well as major disturbance affecting the whole community. It may also include conduct that reduces the living and working amenity and environment of Interested Parties (as defined in the Act) in the vicinity of licensed premises.
- 2.16 In recent years the impact of increasing night-time activity has seriously concerned some residential and business communities in the city. Licensing law is a primary mechanism for preventing these problems arising from the carrying on of licensable activities at licensed premises. However, the licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. Some potential risks and possible solutions under this objective are addressed in Appendix A.

2.17 PROTECTION OF CHILDREN FROM HARM

- 2.18 Activities associated with premises that sell alcohol or provide regulated entertainment may, in certain circumstances, give rise to concerns for the health and welfare of children (a child for the purpose of this Policy is any person under the age of 18).
- 2.19 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee. The Licensing Authority is committed to protecting children from harm and applicants will therefore need to demonstrate how they will promote this licensing objective. Where appropriate, conditions preventing or restricting the admission of children will be imposed. The Licensing Authority will not however impose any condition that requires the admission of children to licensed premises. Some potential risks and possible solutions under this objective are addressed in Appendix A.

3 HOW THIS STATEMENT OF POLICY WORKS

- 3.1 The purpose of the Statement of Licensing 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
- 3.2 The text of this Statement of Policy **in bold type** indicates the **Policies** with the reason for each policy shown immediately after *in bold italics*.
- 3.3 This Statement of Policy sets out the Authority’s expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their operating schedules, they may find that responsible authorities and interested parties are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the licensing objectives and meet this Policy. On appeal the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.
- 3.4 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. As a general rule the Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

4 STRATEGIC LINKS AND OTHER REGULATORY REGIMES

- 4.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Examples of these strategies can be found in the S182 Guidance. 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 dialogue between the Licensing Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.
- 4.2 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.

- 4.3 Whilst maintaining an impartial role, the Authority will secure the integration of its' licensing function with other legal strategies by supporting partnership working and other agencies and Council services by establishing working protocols as required.

5 DELIVERING LICENSING SERVICES

- 5.1 The Authority will make guidance available and such further resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through Nottingham City Council's website (www.nottinghamcity.gov.uk) or by contacting the Licensing Authority direct

- 5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another.

5.3 MEETING THE NEEDS OF LOCAL COMMUNITIES

- 5.4 Licensed premises are an important part of our communities. They provide a place for people to get together, relax and enjoy themselves. However, there can be problems if licensees do not take sufficient action to minimise any problems that may occur. It is important that licensees, local residents and other businesses, as well as bodies such as Police, Fire Service, Licensing, Environmental Health, Trading Standards, Planning and Safeguarding Children Board work together.

- 5.5 If local residents and businesses do experience problems, it is important that they contact / write to the licensee, outlining the problems experienced and giving them the opportunity to address these concerns. They could also inform the Licensing Authority or Responsible Authorities. Reporting the problem is the first step towards resolving the problem.

- 5.6 Where the Licensing Authority receive applications for new premises or significant changes to existing premises (variation), local residents and businesses have 28

days to have their say. Details of these applications are available to view at the Licensing General Section or on the Licensing website www.nottinghamcity.gov.uk

6 APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

6.1 The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations and further advice on these processes is available on the Council's website or on request from the Licensing Service. This section of the Policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in your application or notice being invalid.

6.2 REPRESENTATIONS - THE POWER TO 'HAVE YOUR SAY'

6.3 Having your say in licensing terms is called 'making a representation' and there is a prescribed period from the time the Licensing Authority receive the application for you to do so. This is usually 28 days but varies depending on the type of application under consideration. "Relevant representations" can include positive / supportive representations as well as "objections". Details of new applications are displayed on the Licensing website www.nottinghamcity.gov.uk and the applicant is required to place a notice on the outside of their premises and in a local newspaper

6.4 'Interested Parties' and "Responsible Authorities", can have their say whenever the Licensing Authority receive an application for a new licensed premises or an application to vary the hours, activities or licence conditions of an existing licensed premises or to review the licence. If no representations are received in respect of an application for a new licence or variation then the application must be granted as applied for, including any conditions volunteered by the applicant.

6.5 The phrase "Interested Party" is defined as any of the following:

- A person living in the vicinity of the premises;
- A body representing persons living in that vicinity;
- A person involved in a business in that vicinity;
- A body representing persons involved in such businesses;
- A member of the relevant Licensing Authority, i.e. elected councillors of the Licensing Authority for the area in which a premises is situated

"Responsible Authorities" are certain statutory bodies defined by the Act.

- 6.6 Guidance on making a representation is available from the DCMS and the Licensing Service website or by contacting the Licensing Service. A preferred form is available from the Licensing Service for individuals or groups to make their representations. Alternatively, representations may be made electronically by way of e-mail or in writing to the Licensing Service. Responsible Authorities have separately agreed the means by which they will make representation in line with the provisions of the Act.
- 6.7 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.
- 6.8 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 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, however, there are mechanisms in place to handle anonymous complaints in certain circumstances and further information is available from the Licensing Officer.
- 6.9 Where appropriate the Authority will seek to facilitate mediation between licensees, relevant agencies and interested parties where significant issues have arisen relating to an existing authorisation. This will not override the right of any interested party from making an application for the **review** of a licence. However, where possible and appropriate, the Council expects Responsible Authorities and Interested Parties to give early notice to licence holders of any concerns about problems identified at a premises and of the need for improvement. It is expected that requests for a review of any authorisation will be sought only if such notice has failed to resolve the matter or problem.
- 6.10 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.

6.11 **PANEL / COMMITTEE HEARINGS**

6.12 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Committee/Panel unless the issue that lead to the representation can be negotiated to an agreed conclusion between the parties.

6.13 The Authority 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. These matters are dealt with in more detail in the Authority’s ‘Guidance to Applicants’.

6.14 **Policy: 1**

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.

6.15 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 City.

6.16 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 S182 Guidance in this respect and the following may be employed, to address such behaviour and the potential for Cumulative Impact, (see below):-

- Planning controls.

- Positive measures to create a safe and clean town centre environment e.g. those promoted or supported by the City's Leisure Business Improvement District
- Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly.
- Powers of Local Authorities to ban the sale of alcohol from premises which are open after 3am (in the event of legislation to this effect)
- 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.

6.17 Policy: 2

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 offered or imposed on any resulting licence, certificate or permission:

- (i) **The nature of the area within which the premises are situated.**
- (ii) **The potential cumulative impact (see below).**
- (iii) **Any measures proposed by the applicant as outlined in the Operating Schedule**
- (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 precise nature, type and frequency of the proposed activities.**
- (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.

6.18 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 impact of customers arriving, queuing and leaving

should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g. smoking) must be recognised and mitigated against

- 6.19 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. Shops, stores and supermarkets will normally be permitted to sell alcohol and/or late night refreshment at any time when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours.
- 6.20 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 ceasing 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.
- 6.21 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.
- 6.22 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.
- 6.23 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 Policy 2 may be outlined in more detail in any guidance issued by the Authority or the Responsible Authorities.
- 6.24 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.

6.25 CUMULATIVE IMPACT

6.26 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.

6.27 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.

6.28 Special policies to deal with the Cumulative Impact were adopted in July 2005 and related to an area known as the ‘City Centre Saturation Zone’. These policies were retained when the Statement of Licensing Policy was reviewed in 2007. 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 Licensing Policy. However, evidence from the Police tends to indicate that in recent years there has been an increase in the number of ‘off-licensed’ premises within and just outside the original Saturation Zone. This has resulted in further issues relating to crime and disorder and nuisance as it caters to an increasing trend in ‘pre-loading’ before customers attend on-licensed premises, and it is also believed to have increased the prevalence of street drinking throughout the day. As street drinking appears to be increasing despite the enforcement of the existing Designated Public Places Orders and because this appears to be linked to the increase in off-licences, the Authority is satisfied that it is appropriate to go further than the S182 Guidance suggests would normally be necessary and the Cumulative Impact policies will therefore apply to all premises which include the sale of alcohol whether for consumption on or off the premises. In addition the effects of Cumulative Impact are now extending slightly beyond the original boundaries of the Zone and the boundaries have therefore been redrawn. The Authority is satisfied that the area identified in Appendix B suffers from significant levels of crime and disorder and nuisance as a result of the Cumulative Impact from the large number of premises licensed to sell alcohol in that area and this area is designated as the City Centre Saturation Zone. The evidence supporting this view is summarised in Appendix C

6.29 Policy: 3

The Authority will refuse applications for premises in the City Centre Saturation Zone where representations about Cumulative Impact, Crime and

Disorder and/or Nuisance are received. This policy only applies to applications of the types listed below which include the sale or supply of alcohol namely:-

- **New premises licences,**
- **New club premises certificates.**
- **Variations to existing premises licences / club premises certificates (other than minor variations)**

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 limit the effects of cumulative impact, crime, disorder and nuisance already being experienced in the City Centre Saturation Zone.

- 6.30 Policy 3 does not relieve the 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. Where representations relating to Cumulative Impact, Crime and Disorder and/or Nuisance are received to applications of the type listed, this Policy will be strictly applied. Whilst the Licensing Authority may depart from this Policy if it has good reason to do so, this Policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the Policy and the reasons for it.
- 6.31 Whilst the policy will not be applied inflexibly the circumstances in which the Authority may be prepared to depart from it 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 it's 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 which have or will surrender their licence and where the impact is likely to be similar to the original location.
- 6.32 The Authority will regularly review this Policy to assess its impact.
- 6.33 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 the City Centre Saturation Zone that the issue is addressed as soon as possible in the licensing process. For this reason Provisional Statements are included in Policy 3. 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.

6.34 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, and the Authority may then choose to review this Statement of Licensing Policy and consult as to whether the particular area should be designated as a saturation zone to which Policy 3 should apply.

6.35 **Policy: 4**

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.

6.36 ADULT ENTERTAINMENT

- 6.37 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.
- 6.38 The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments,) or which are for the purpose of sexually stimulating any member of the audience. The new licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. Nottingham City Council adopted these provisions with effect from 1st September 2010.
- 6.39 Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act. Transitional provisions will allow for existing sexual entertainment venues and those with applications in progress at the time that the Act was adopted to continue to operate under the terms of any Licensing Act licence which is in force or is subsequently granted until 1 September 2011. On this date all existing conditions on the relevant Licensing Act Licence which relate to sexual entertainment will cease to have effect and the entertainment will be governed by the provisions of the 1982 Act licence. The Licensing Act licence will then continue to regulate the other licensable activities.
- 6.40 Certain forms of adult entertainment are excluded from requiring sex establishment licences and these will still be regulated under the terms of the Licensing Act 2003.
- 6.41 The provision of adult entertainment on premises may necessarily mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of a Premises Licence or Club Premises Certificate the Authority expects applicants in to include arrangements for restricting children from viewing any adult

entertainment in their Operating Schedule. The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.

6.42 Responsible authorities are likely to continue to consider all applications involving adult entertainment very carefully with regard to the promotion of the licensing objectives within the vicinity in which the premises are located.

6.43 REVIEWS

6.44 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.

6.45 Where a review hearing is held the Licensing Authority has a variety of options 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.

6.46 PERSONAL LICENCES

6.47 Where an applicant for a Personal Licence has relevant convictions 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.

6.48 Policy: 5

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.

6.49 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.

6.50 **TEMPORARY EVENT NOTICES**

6.51 Whilst the Authority recognises that a Temporary Event Notice may be served at least ten clear 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. The Authority may share information regarding temporary event notices with the other Responsible Authorities to assess whether other statutory regimes need to be employed in order to address any potential impact on the area concerned e.g. nuisance or other forms of disturbance.

7 CHILDREN

7.1 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 Nottingham City Safeguarding Children Board (Nottingham City Council)

Applications should therefore be copied to this body in its capacity as a 'Responsible Authority'.

7.2 Examples of matters 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

7.3 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.

7.4 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.

7.5 **Policy: 6**

Where representations have raised concerns 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: to protect children from harm

8 EQUALITY AND DIVERSITY

- 8.1 Delivery of the licensing 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.
- 8.2 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.

9 GENERAL ENFORCEMENT STATEMENT

- 9.1 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 and the Regulators Compliance Code.
- 9.2 The Authority has established and maintains enforcement protocols with the Police and other relevant enforcement agencies

10 MONITORING AND REVIEW OF THIS STATEMENT OF LICENSING POLICY

- 10.1 This Statement of Licensing Policy will be reviewed within legislative timescales and as and when appropriate. In preparing the succeeding Statement of Licensing

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.

CONTACT DETAILS & FURTHER INFORMATION AVAILABLE FROM:

WEBSITE: www.nottinghamcity.gov.uk

E:MAIL: general.licensing@nottinghamcity.gov.uk

PROMOTING THE LICENSING OBJECTIVES

The Licensing Authority recognises that licensed premises come in different shapes and sizes and provide different activities. A venue's operation may be geared to alcohol, entertainment, late night refreshment or a combination of two or more of these activities. Venues may be large or small, with high occupancy or low occupancy, in urban or suburban areas, with a predominantly young clientele or a mix of all ages.

How operators of different licensed premises promote the licensing objectives varies from premises to premises. For example:-

- Premises that supply alcohol will have different demands on them than those that do not.
- High occupancy premises will have different issues to consider particularly in the areas of public nuisance, public safety and crime and disorder than low occupancy premises.
- Premises with a predominantly young clientele will have different issues to consider than those frequented by a mixed age group.

There is no definitive list of control measures that could (or should) be introduced by all premises. Licensed premises are assessed according to the activities they provide and the manner of their provision. Steps should be in place to proportionately address the individual risks of each premises' activity.

Preventing crime, disorder, public nuisance, ensuring public safety and protecting children (those aged under 18) from harm are ongoing responsibilities for all licence holders. Premises operators should address the risks relating to the activities their premises provides. Failure to do so may result in the licence being reviewed and subsequently suspended or revoked.

The Licensing Authority does not want premises to lose their licences, it wants to see well managed premises that benefit from being able to provide the hours and the activities their customers and communities want. This means licensees should regularly consult with their local communities to inform them of the hours and activities they provide, gauging their concerns and addressing these.

Licensees are encouraged to be both imaginative and proactive, seeking advice from Responsible Authorities and other local organisations that have professional advice to offer.

The Licensing Authority recommend that operators:

1. Read this Licensing Policy carefully – reading it indicates that you are taking the promotion of the licensing objectives seriously.
2. Think about the activities you provide, the risks from those activities and the appropriate steps to tackle them.
3. Consult local residents and local businesses and the Responsible Authorities. How do they feel about your operation? Are they currently experiencing problems?
4. Undertake appropriate risk assessments and take appropriate steps to address any risks.
5. Take action to put steps in place that will address risks and meet the concerns of your community.
6. Consider whether you need to apply to vary your licence to ensure that you have all necessary measures in place to meet the four licensing objectives. This can reassure local residents and businesses and the Responsible Authorities that you take your responsibilities seriously and are a valuable asset to the community.

Licensed premises will be continually monitored on how they impact on their local communities. Where operators fail to adequately address the concerns of local residents / businesses with respect to the licensing objectives, their premises may have its licence reviewed at any time.

Potential risks to the Promotion of the Licensing Objectives and Possible Solutions

The Prevention of Crime and Disorder

1. What measures will you put in place to prevent disorderly and potentially violent behaviour both on and in the vicinity of your premises?
 - We will use CCTV
 - We will use text and radio pager systems to report incidents to the police and keep in contact with other venues (especially important in town and city centres with a high concentration of licensed premises).
 - We will determine sensible occupancy limits according to the nature of the premises and activities being carried out.
 - We will train staff to handle potential troublemakers and defuse difficult situations.
 - We will seek further advice from local Police, PubWatch and Responsible Authorities.
2. What measures will you put in place to prevent drunkenness on your premises?
 - We will train staff to recognise those who are drunk and be vigilant in not serving those who are drunk or passing on alcohol to those who are drunk.
 - We will ensure sufficient staffing and managerial support to make the identification and non-service of those passing on drinks practicable.
 - We will refuse entry to those who have had too much to drink.

- We will ensure that staff training is carried out regularly and includes knowledge testing and that all training is documented.
3. How will you prevent drug dealing on and around your premises?
How will you prevent offensive weapons being brought on to your premises?
How will you prevent the sale of contraband or stolen goods?
- We will install strategically located closed-circuit TV cameras inside and outside premises to deter/monitor illegal activity (footage can be used as legal evidence).
 - We will provide accredited staff training on these issues and ensure staff are on the look out for suspicious behaviour.
 - We will ban known offenders and share information with the police and licensed premises in the area.
 - We will consult our local police crime reduction adviser.
4. How will you reduce the risk of glasses and bottles being used as weapons and causing accidents?
- We will ensure glasses and bottles are collected on an on-going and frequent basis, make regular inspections for broken glass and clear up glass and any spillages immediately.
 - We will, at those times where there is a risk of incident, use safety glass.
 - We will ensure drinks containers are not taken from the premises.
 - We will have a no glass policy.
5. How will you prevent toilets from being a magnet for sexual assault, accidents and conflict?
- We will ensure that sufficient toilets are available, with an appropriate number of male/female toilets as per British Standards.
 - We will ensure sufficient lighting levels.
 - We will keep toilets clean, well stocked; clearing spillages promptly to avoid accident.
 - We will install toilet attendants if problems occur.

Further examples of risks that could undermine this licensing objective are:

6. Late night refreshment – Applicants in respect of late-night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.

7. Toughened / Safety Glass Policy

Licensed venues that provide the sale of alcohol for consumption on the premises should consider the introduction of toughened / safety glass. This toughened / safety glass policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context. For example in facilities for hotel residents and their guests it is not expected that a toughened / safety glass policy need operate and nor would it be necessary in premises which operate primarily as a restaurant where the bar is primarily provided for restaurant customers). The toughened / safety glass policy also applies where outside areas are provided for consumption of alcohol, particularly where the area is constructed of hard material and also where the outside area is in or adjacent to a public place.

8 Glass Bottle Policy

The Licensing Authority considers it necessary for the promotion of the licensing objectives to prevent the passing of a glass bottle over the bar of premises licensed to supply alcohol for consumption on the premises where there is a poor history of crime and disorder. This expectation may be considered as a result of relevant representations having been received on an application. Like other conditions set out in this Licensing Policy it may also be considered at a hearing following an application for review of an authorisation.

Public Safety

1. How will you avoid overcrowding?

- We will determine sensible occupancy limits according to the nature of the premises and activities being carried out.
- We will use clickers to monitor and manage occupancy levels.

2. How will you prevent drug taking on your premises and protect customers from harm?

- We will make customers aware of the risk of drink-spiking.
- We will train staff in drug awareness issues and ensure sufficient staffing and managerial support to make identification and handling of incidents practicable.

3. What measures will you put in place to clear away broken glass promptly and effectively?

- We will remove glasses promptly when empty.

Further examples of risks that could undermine this licensing objective are:

4. Emergencies – issues in relation to fires, emergency management, evacuation and overcrowding.
5. Environment – issues concerning cooling and heating and access to drinking water.

In considering what steps may be necessary, applicants will be expected to have particular regard to:

- The premises itself (are there for example any inherent hazards such as steps, open fires, use of shared areas, etc.).
- The neighbouring area (are there for example particular problems with crime and disorder, is it a primarily residential area, etc.).
- The types of regulated entertainment they wish to provide and any hazards.
- The type of persons that may be using the premises or place (e.g. persons who are very old or very young, disabled, possibly impaired through drink or drugs, etc.).
- The situation and circumstances of use (e.g. low lighting levels, loud noise, crowds, use of special effects, etc.).

Applicants must set out the steps they propose to promote public safety. The following are examples of the adequate steps regarding this that the Licensing Authority expects in premises where particular risks may arise.

Where public safety may be compromised by an excessive number of customers, applicants are expected to propose capacity limits. This is especially important for premises where regulated entertainment (within the meaning of the Act) is being provided at nightclubs, cinemas and theatres. Other appropriate measures may include the use of door staff, CCTV, staff training, etc.

Where the public needs to be protected from potentially dangerous sources of electricity expected measures may include:

- An assurance that any alterations to the existing system will be made in line with the Electrical Equipment of Buildings issued by the institution of Electrical Engineers (BS 7671) or as amended.

- The use of residual current devices (RCDs) on high-risk circuits, such as those which may be used by entertainers for plugging in musical equipment or used for plugging in equipment to be used outdoors.
- Other appropriate measures may include portable appliance and fixed appliance testing.

The physical layout of the premises may present particular risks and in some situations (such as those in which vulnerable persons may be especially at risk) applicants will be expected to advance steps accordingly. For example:

- Applicants whose premises have stairs should consider whether it is necessary for appropriate handrails to be fitted together with contrasting nosings to the steps.
- In respect of premises which have uneven flooring, applicants are expected to set out the steps they propose to minimise risks.
- In respect of premises with outdoor areas that may be accessed by customers or the public (whether or not those areas form part of the place that is licensed) applicants should consider whether it is necessary to provide appropriate lighting of these areas, use of toughened glasses and the provision of customer bins.
- Steps expected for premises with working fireplaces include guarding or similar; this is especially important where children may be permitted on the premises.
- Applicants with premises which will be relying on the usage of shared areas, such as escape routes, are expected to advance measures that will ensure the usage of these areas will not create any risks to the public.

Applicants are also expected to consider how the proposed activities may impact upon public safety / public nuisance and put forward steps accordingly. For example:

- Premises that are of high capacity or whose regulated entertainment may give rise to an increased risk of injuries occurring are expected to advance steps regarding first aid provision.
- Premises that plan to use special effects (such as fireworks / foam / lasers / etc.) will be expected to propose measures that will ensure this will not create any safety risks. Where proposed licensable activity includes the consumption of alcohol or provision of late night refreshments on the premises, it is expected that applicants should advance steps regarding the provision of adequate and well managed toilet and hand washing facilities.

The Prevention of Public Nuisance

1. How will you prevent the noise nuisance from outside drinking?

- We will limit the number of people using outside areas.
- We will ensure that drinkers remain seated and that they do not drift from the seated area (e.g. using barriers at those times where this is identified as a problem).

- We will advise noisy customers to keep the noise down and ask them to leave if they disregard our advice.
- We will determine a closing time on the use of outdoor areas in consultation with local residents.

2. How will you prevent flyers becoming a source of litter?

- Where we distribute flyers, we will ensure we have the necessary consent and take responsibility for picking up dropped flyers in the vicinity.

3. How will you prevent disturbance to local residents from customers arriving and leaving your premises late at night?

- We will consult local residents on their preferred closing time and come to an agreement.
- We will display telephone numbers for taxi firms in a prominent location and provide a facility for customers to order cabs or operate a taxi call back service.
- We will implement a 'winding down period' during the last hour of service.
- We will ensure signs are in place asking customers to leave quietly.
- We will ensure signage and staff remind customers to keep noise down as they leave.
- We will hand out lollipops to customers as they leave.
- Ensure that people do not congregate / queue outside premises.
- We will have a detailed dispersal policy in place and train all relevant staff in its operation.

4. What measures will you put in place to ensure that local residents and local businesses are not upset by loud or persistent noise?

- We will consult local residents on what noises disturb them and take steps to remedy these issues.
- We will avoid emptying bins into skips, especially if they contain glass after 9pm and before 9am (10am on weekends).
- We will instruct suppliers not to make deliveries after 9pm and before 9am (10am on weekends).
- We will avoid refuse collections after 9pm and before 9am (10am on weekends).
- We will ensure that noise from regulated entertainment is kept to a level that does not cause disturbance to local residents.

Further examples of risks (particular with the increased use of smoking shelters) that could undermine this licensing objective are:

5. Lighting – Excessive artificial lighting in the vicinity of licensed premises.

6. Litter / waste – Litter and waste generated by the carrying out of licensable activities. For example, food wrappers, fly posting and cigarette butts.

Measures to prevent litter may include

- Providing litter bins
- Sweeping up rubbish and clearing the vicinity

7. Smoking - The Council acknowledges that smoking is not a licensing matter. However as an enforcement authority under the Health Act 2006, it recognises the significant changes to all licensed premises brought about by the implementation of the Smoke Free legislation on 1st July 2007.

The Council also recognises the effect that the smoking ban has had on issues around public nuisance including noise and litter across the city. The Council expects that licensees will be able to manage those issues effectively.

It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area.

8. Environmental issues - noise, litter and disturbance from customers

Steps taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers arriving, leaving or queuing outside a premises.

Consideration has to be given to the potential for public nuisance arising from outside areas following the implementation of smoke free laws in July 2007. Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 10pm and 7am. However, it must be noted that noise and disturbance from customers out of doors can cause public nuisance outside of these times.

Measures to prevent nuisance may include the:

- Use of time restrictions on certain areas;
- The end of the use of certain areas;
- Supervision of outdoor areas;

- Suitable signage;
- Restriction on the times that food or drinks can be consumed or sold to be consumed outside the premises;
- In some cases the hours at which premises are open to the public will also be considered.

9. Noise from plant and equipment

Steps taken or proposed to be taken to prevent noise and vibration from plant or equipment causing nuisance. This includes noise and vibration from ventilation, air conditioning and refrigeration equipment.

Measures to prevent nuisance may include the:

- Installation of acoustic enclosures;
- Sound proofing, timing device;
- Relocation or replacing equipment;
- Provision and regular emptying of litter bins;
- Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate;
- Regular monitoring and cleaning of areas;
- Reduction in the amount of packaging passed onto customer;
- Provision of posters asking customers not to drop litter.

10. Fly posting, flyers and graffiti

Steps taken to prevent fly posting and the distribution of flyers advertising the premises or events at the premises.

Steps taken by the applicant to remove graffiti and fly posting from their surfaces as soon as it appears.

The Protection of Children From Harm

1. What measures will you put in place to prevent underage drinking on and around your premises?

- We will adopt a well-publicised Challenge 21 policy; asking those who appear to be under 21 to produce appropriate ID proving they are over 18 before considering serving them;
- We will refuse service to those we believe to be passing on alcohol to under 18s (except where over 18s are buying beer, wine or cider for 16 or 17 year olds for consumption with a table meal);

- We will give all relevant staff appropriate accredited training on the law relating to alcohol and those aged under 18 (e.g. a 'Responsible Retailing' course);
- We will ensure sufficient staffing and managerial support to monitor outside areas and make the identification and non service of those passing on drinks to under 18s practicable;
- We will report those who pass on drinks to under 18s to the police;
- We will use a 'refusal book' to record details of instances where staff have refused a customer thought to be under age;
- We will use CCTV.
- We will identify a child safeguarder.

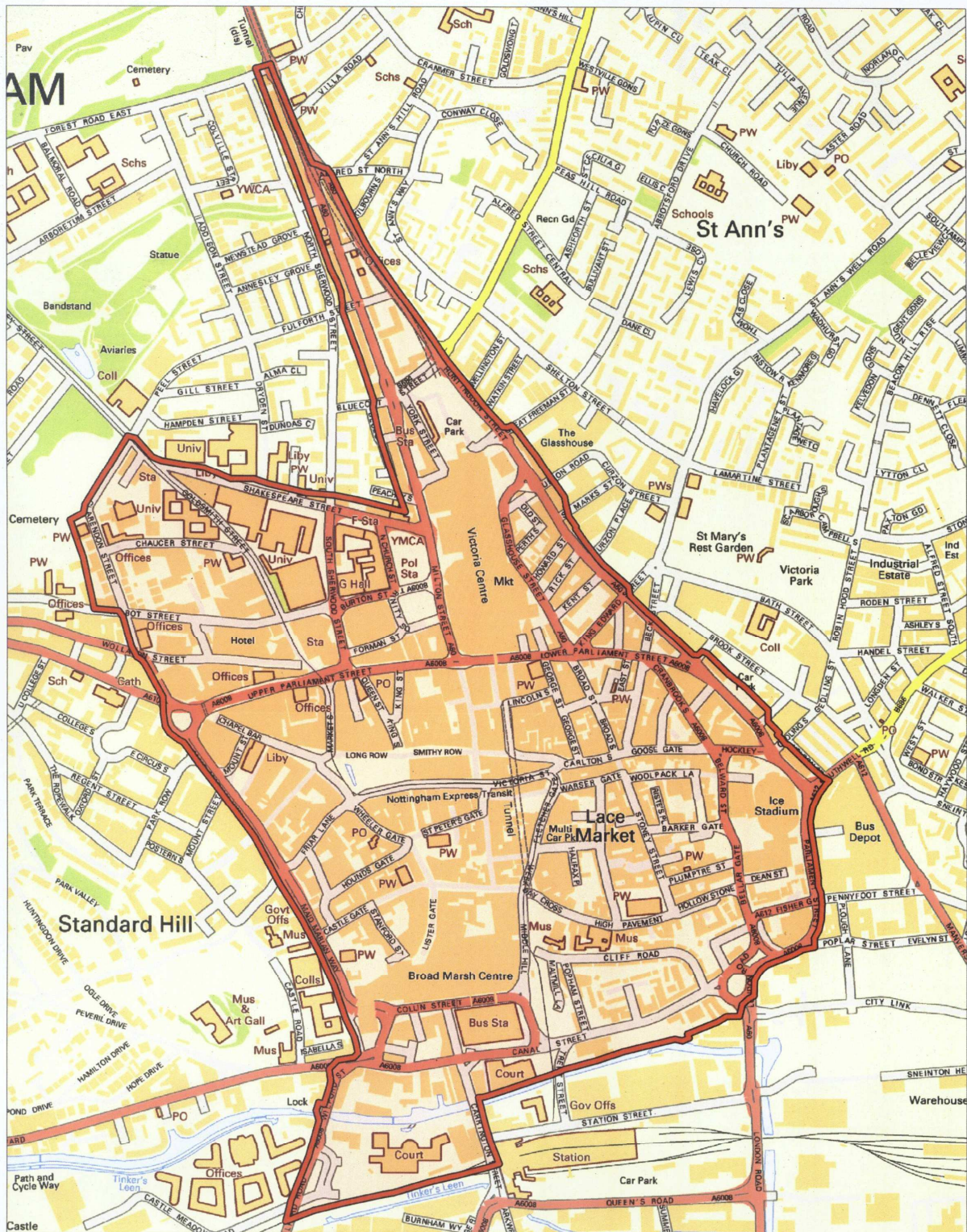
2. It is an offence to allow unaccompanied under 16s into primarily drinking venues. However, family friendly premises typically experience fewer problems of crime, disorder and public nuisance. What measures will you put in place to create a safe, child-friendly environment?

- We will ensure vigilance re. the sale of alcohol to under 18s, to those who are drunk and to those passing on drinks to under 18s / those who are drunk;
- We will ensure those who are drunk do not gain entry to the premises and those who become drunk on the premises are asked to leave (N.B. it is an offence to serve those who are drunk);
- We will specify areas, activities and times that are suitable for children instead of merely placing restrictions on access to those areas, activities and during those times that are appropriate.

Further examples of risks that could undermine this licensing objective are:

3. Adult only entertainment – Where entertainment or services of an adult or sexual nature are commonly provided, ensuring that underage persons cannot enter the premises. There shall be no display of photographs or visual images advertising such entertainment outside the premises

City Centre Saturation Zone



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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 was declared covering the City Centre. In addition a policy was 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 other measures and controls which are available to address such problems. This Policy was reviewed in 2007 and as it was still felt to be necessary and appropriate it was retained in the Authority's Statement of Licensing Policy 2008-2011.

Based on evidence received it is the view of the Authority that the adoption of the Cumulative Impact policy has been a useful tool in addressing the potential for further crime and disorder, antisocial behaviour and nuisance arising from licensed premises within the Saturation Zone. It is the view of the Authority that it is still necessary and appropriate for the policy (albeit amended) to remain in place to ensure that the momentum in regulating these issues is not lost or weakened.

History of the Policy

Whilst consulting on its first Statement of Licensing Policy in 2004 the Authority received representations that the area 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. This ultimately resulted in the declaration of the Saturation Zone and adoption of the special policy to deal with cumulative impact which came into effect for applications received on or after 6th August 2005.

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 alcohol licensed trade, its customers or other feeder trades such as late night takeaways.

In accordance with Government guidance the assessment undertaken in previous years 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). These bodies have been approached and asked for their current views in relation to the cumulative impact policies.

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. In July 2007 this was estimated at around 120,800 but by April 2010 this had fallen to 81,000. Whilst the overall capacity has fallen the number of licensed premises has increased from 358 venues in 2004 to 386 venues in 2007 and 425 venues in 2010. 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 City's regional position makes it ideal for access by visitors. There has been a growth in the number of hotel rooms now available and Nottingham attracts large numbers of people wanting to take part in its nightlife and adding to the numbers already present. Dedicated websites exist which advertise to groups such as Stag & Hen parties offering guides to which pubs and clubs to visit and which hotels to stay in. Whilst this can be good for tourism it can also fuel tensions which already exist within the City.

Nottingham has two expanding universities currently attended by approximately 60,000 students who swell the numbers of drinkers in the City, especially during term time. Many licensed premises target the student market and during term time weekday nights can almost be as busy as the weekends. Students impact on crime in a number of ways; they are often a target for crime and are often immature drinkers. In addition they are mostly in the 16-24 age group which already forms the majority of both the victims

and perpetrators of alcohol related violence and disorder. All of these factors increase the potential for crime and disorder in Nottingham.

In the last two years or so there has been an increase in the number of off-licensed premises. Evidence put forward by Nottinghamshire Police tends to suggest that alongside the increase in off-licences there has been an increase in public nuisance caused by street drinking and in the number of alcohol confiscations under the City Centre Designated Public Places Order. The increase in the number off-licences also caters for a trend in pre-loading where drinkers buy cheaper alcohol from supermarkets and off-licences for consumption before they go to the pubs and clubs leading to then being 'in drink' when they enter City premises. Whilst the Cumulative Impact Policy has not traditionally been applied to off-licences it is felt that it is now appropriate to do so and the Cumulative Impact Policy contained in this Statement of Licensing Policy has been revised to make it stricter and to clarify its application to off-licensed premises.

The Saturation Zone as defined in the 2005 and 2008 Statements of Policy formed a large part of the defined City Centre and was devised making use of public roads that naturally defined the area i.e. connecting Canal Street, Maid Marian Way, Shakespeare Street and Huntingdon Street. However, as originally drawn the boundaries often ran down the middle of certain roads meaning that premises on the same road were treated differently. The boundaries of the Saturation Zone adopted in the Statement of Policy have therefore been redrawn to cover both sides of the road that forms the edge of the Zone. In addition the effects of cumulative impact have also extended up a further stretch of Mansfield Road and this area has now been included within the Saturation Zone. The boundaries of the current City Centre Saturation Zone are shown in Appendix B. Whilst saturation policies can never be applied inflexibly, the Authority's Policy is designed to be strictly applied where Responsible Authorities or Interested Parties make representations relating to it. It is not the purpose of such policies to act as a total ban on growth or the licensing of premises which will not add to Cumulative Impact. Where applications have been approved within the Saturation Zone the existence of the special policy has often led to the negotiation of a series of stringent management controls and conditions designed to address the potential for crime, disorder, and nuisance which otherwise may have arisen from the premises and contributed to the problems already encountered in the Saturation Zone.

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 Licensing Policy.

Design and Operation of Licensed Premises

The design and operation of licensed premises has changed markedly in the last 20 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

In 2004/5 when the Saturation Policy was first being considered Police evidence showed that high levels of Crime and disorder were centred in the Zone. Recent evidence shows this still to be the case. In particular, whilst there has been a reduction in the overall capacity catered for by licensed premises there has not been a significant change in the total number of Violence, Public Order and anti-social behaviour offences recorded in the Saturation Zone though the peak time for these is now occurring later in the evening into the earlier hours of the morning.

Whilst the number of premises with a capacity of over 500 has fallen since the Cumulative Impact Policy was first introduced, the Police remain of the view that evidence shows that 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 especially where those premises are open after 2am. For this reason the Police have indicated that they will continue to oppose premises that fall or will fall inside this category. However, all premises which sell alcohol within the Saturation Zone remain within the scope of the policy regardless of their occupancy. An accumulation of similar premises may still add to the problems currently being experienced and there is evidence that some smaller premises with late licences may attract increased levels of crime and disorder as they can cater for customers leaving other venues. Similarly the current Cumulative Impact Policy is clear that it applies to off-licences as well as on-licences for the reasons identified above. The option remains however for those assessing applications for smaller premises or shops 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

In October 2007, over 200 City Centre businesses licensed to provide food, drink and entertainment voted to create a Business Improvement District covering an area broadly similar to the Saturation Zone. 260 members of the licensed economy within that area currently pay an additional levy of 1.5% of the rateable value of their properties to raise an income of approximately £260,000 per annum. This is used to fund a series of initiatives, projects and events which not only add to the vibrancy of the City but also support the licensed trade and address and assist with some of the crime and disorder and anti-social aspects arising from the night time economy. Projects have included a taxi marshalling scheme jointly run with the City Council to maintain order in taxi queues and assist people to get home safely, the promotion of Best Bar None and Purple Flag schemes promoting Nottingham as safe city in which to enjoy a night out and the provision of Street Pastors to assist those who may need help on our streets. Despite these excellent schemes however there is still a 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 it is still appropriate to maintain a Cumulative Impact Policy.

The Night Time Economy Partnership Group was established in September 2009 to bring together a range of agencies that have a role to play in managing or delivering services in the night time economy. The aim of this group is to reduce violence and disorder in Nottingham's city centre by delivering a strategic, multi-agency, integrated approach to managing the night time economy. The Night Time Economy Partnership Plan sets out the group's key priorities areas: improving public perceptions and confidence; policing / safety; licensing; maintaining the public realm; ensuring diversity in the night time economy; transport; and addressing community safety through urban design & the environment.

Health Related Issues from the PCT

The PCT were in support of 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 discouraged heavy drinking. Material from the East Midlands Public Health Observatory tends to show that ambulance pick-ups for conditions most likely to be alcohol related are also concentrated within the Saturation Zone.

Planning Services

Planning is based on the principles of sustainable development, regeneration and social inclusion and in relation to the city centre seeks to ensure a balance of uses to maintain its attractiveness and accessibility for the needs of all sections of the community. Community safety is a key consideration in the delivery of an inclusive city and in the

way planning applications are considered.

The Local planning authority has a role in helping to manage the evening and night-time economy in centres, taking account of and complementing the local authority's Statement of Licensing Policy and promotion of the licensing objectives under the Licensing Act 2003. The relevant legislation for the control of development is the Town & Country Planning Act 1990.

Whilst Planning legislation grants the Council a significant degree of control over the location and operation of new restaurants and drinking establishments within retail centres and elsewhere, there is significantly less control available over the development of off-licences and other retail premises which sell alcohol. Such premises benefit from permitted development rights and are able to change use without the need for express planning permission from the Authority. The scope for control of off-licenses and other retail licensed premises is therefore limited under planning legislation with, for example, newsagents or post offices being converted into off-licences without any requirement for planning permission. Similarly planning permission is not required to convert several other types of high street uses, including redundant public houses, premises used for Financial & Professional Services, Restaurants and Cafés, and Drinking Establishments to shops (and potentially off-licences) or supermarkets.

Although the Licensing and Planning process are governed by separate and distinct pieces of national legislation and local policies, both seek to provide balanced, successful and inclusive retail centres and neighbourhoods, offering safe and convenient services to the citizens of Nottingham. Successful co-ordination of these processes, with the assistance of all Responsible Authorities, including Police and Fire services is increasingly being recognised as essential in the control of where such premises are located and how they operate and should help reduce anti social behaviour and crime.

It is the view of the Planning Authority that concentrations of licensed premises including off licences give rise to problems of public disorder, noise, disturbance and general anti social behaviour in the city centre. These issues also affect adversely the perception of the city centre as a safe place to visit. It is essential that the right balance is struck between the mixture of different commercial and leisure related uses in the city centre and in particular to minimise the concentrations of licensed premises. It is recognised that large licensed venues can give rise to particular problems of disorder, noise and disturbance. Local Plan policy S8 states that planning permission will not be granted for high occupancy licensed premises 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. The Saturation Policies work alongside and compliment Planning Policy addressing issues which are outside of Planning control.

Taxis / Private Hire

The problem here is the balancing of supply and demand. There are currently 414 licensed Hackney Carriages and 1800 Private Hire vehicles. The ongoing problem of illegal plying for hire by City Private Hire and non City licensed driver's presents a risk to the travelling public safety, but can be seen by the Police as helping with the dispersal of crowds. There is a reluctance of licensed taxis to work late or pick up customers who have been drinking. This causes a problem because the vacuum is likely to be filled by unlicensed/uninsured vehicles.

Taxis/private hire also contribute to noise in the street – horns and car doors, and so disturb residents.

Public Transport

There has been a trend for people to come into the City and leave it later. The infrastructure of the City is less able to cope with this and whilst the Tram and the bus networks are providing good services for moving people around the City, with the exception of a few services they tend to stop just after midnight with the result that the capacity of the public transport network is greatly reduced after this time.

Public Nuisance

Public nuisance can encompass a range of behaviours and activities.

Anti-social behaviour

Anti-social behaviour (including vomiting and urinating) in the City Centre is a regular occurrence especially at night and 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 including flyers and tickets used to advertise clubs and drinks promotions.

The City Centre cleansing service operates 24 hours a day, however it requires the opportunity to clean the streets between licensed premises closing and the start of the next working day. 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 from the behaviour of the perpetrators, customers of licensed premises.

Noise

The cumulative impact of noise is a serious concern as more pubs, clubs, café-bars and others use loud music to attract customers and compete for business and the “smoking ban” forces patrons outside premises into ‘beer gardens’ or onto the street where conversation and behaviour can become rowdy, boisterous and consequently extremely noisy.

In the City Centre many former commercial/industrial premises have been converted to residential accommodation, licensed premises or in some cases both. This brings two very different building use types into potential and sometimes actual conflict as noise from premises, patrons and revellers can disturb and keep local residents awake.

Conditions are imposed at the Planning Application/Permissions stage to control noise breakout from premises. However, if premises modify their mode of operation shortly after opening and increase music noise levels the sound insulation originally installed may be insufficient to prevent noise breakout from the premises. Furthermore, due to their closer proximity there is little distance between licensed premises and residential property to attenuate any noise breakout from the premises.

Noise in the street from the large number of people who move between premises, gather outside venues to gain entry or whilst smoking, also give rise to noise disturbance to local residents, often late at night through to the early hours of the morning, causing loss of sleep and distress. Noise caused by the early morning emptying of skips of rubbish and empty bottles, and noise from street cleansing activities, has also led to complaints of noise nuisance and sleep disturbance, heightening the concern of the Noise and Pollution Control Team about the close proximity of licensed premises and residential accommodation in this area.

The Noise and Pollution Control Team supports the proposal to maintain a special policy. Controlling the number of premises and their capacity can usefully reduce the sizes and numbers of groups of “revellers”, reducing the likelihood and extent of shouting and other anti social behaviour, thus reducing the likelihood and extent of public nuisance to residents and others using the City Centre’s facilities.

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 and is effectively enforced. For the Year 2009-10 there were 1057 confiscations made in the Central policing area which covers the saturation Zone. The previous byelaws were most effective in dealing with street drinking by chronic alcohol users.

CCTV Surveillance – There are 12 pan tilt and zoom public space surveillance cameras sited within the Saturation Zone. These are monitored 24 hours a day all year. Their purpose is for the prevention and detection of crime and to promote public confidence by reducing the fear of crime, protecting property and increasing personal safety of residents, visitors, workers, and 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 may be repeated.

Door Supervisor Scheme - The City Council Registered Door Supervisor Scheme, launched in 1997 in partnership with the Police 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 a 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. Where necessary and appropriate powers of review are used which may ultimately result (and have resulted) in premises licences being revoked.

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. The Police feel that the use of Dispersal Orders is not always appropriate within the Saturation Zone as the congregations of people do not necessarily gather with the intent to cause disorder but through a variety of other circumstances including the public transport infrastructure. Similarly whilst other powers are useful tools in controlling alcohol related violence, anti-social behaviour and crime and disorder they are in the main re-active. The Saturation Policy is pro-active, seeking to address the potential effect of new premises on the existing cumulative impact at source.

Conclusions

Despite new initiatives which have become available through the BID process and the use of the existing measures outlined above there is a broad consensus that it is both necessary and appropriate for the Saturation Zone and policy to be retained

October 2010