

# Public Document Pack



**Nottingham  
City Council**

## **Nottingham City Council Licensing Committee**

**Date:** Tuesday, 20 June 2023

**Time:** 9.30 am

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Director for Legal and Governance**

**Governance Officer:** Mike Carey

**Direct Dial:** 0115 8763760

- |          |                                                                                    |        |
|----------|------------------------------------------------------------------------------------|--------|
| <b>1</b> | <b>Apologies for absence</b>                                                       |        |
| <b>2</b> | <b>Declarations of interests</b>                                                   |        |
| <b>3</b> | <b>Minutes</b>                                                                     | 3 - 4  |
| <b>4</b> | <b>Statement of Licensing Policy</b><br>Report of Interim Director for Communities | 5 - 52 |

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

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## Nottingham City Council

### Licensing Committee

Minutes of the meeting held at Loxley Hose, Station Street, NG2 3NG on 24 October 2022 from 2.00 pm - 2.06 pm

#### Membership

##### Present

Councillor Audrey Dinnall (Chair)  
Councillor AJ Matsiko  
Councillor Cate Woodward  
Councillor Jawaid Khalil

##### Absent

Councillor Gul Nawaz Khan  
Councillor Zafran Nawaz Khan  
Councillor Rebecca Langton  
Councillor Dave Liversidge  
Councillor Sajid Mohammed  
Councillor Shuguftah Quddoos  
Councillor Mohammed Saghir  
Councillor Audra Wynter  
Councillor Leslie Ayoola  
Councillor Azad Choudhry  
Councillor Angela Kandola

#### Colleagues, partners and others in attendance:

Ann Barrett - Team Leader, Legal Services  
Mark Leavesley - Governance Officer

#### 6 Apologies for absence

Councillor Ayoola - no reason given  
Councillor Kandola )  
Councillor Z Khan ) other council business  
Councillor Quddoos )  
Councillor Wynter )  
  
Councillor G Khan ) unwell  
Councillor Mohammed )

#### 7 Declarations of interests

None.

#### 8 Minutes

The Committee agreed the minutes of the meeting held on 08 August 2022 as a correct record and they were signed by the Chair.

#### 9 Film classifications - Jewish film festival

Prior to consideration of the item, Councillor Khalil, who was in attendance at the meeting, was informed by the Chair that although he is a member of the Committee, as he had not been present at the film viewings earlier in the day he could not take any part in either the discussion or the vote.

The Committee considered a report of the Director of Community Protection, requesting the Committee's recommendations in regards to the admission of children to two screenings, at the Broadway Cinema, 14-18 Broad Street, Nottingham, NG1 3AL, of the following films:

- 'The man in the basement' – on Sunday 13 November 2022;
- 'Who's afraid of Jewish humour' – on Sunday 20 November 2022.

Members viewed both films prior to the meeting and discussed an appropriate rating for each, having regard to the current BBFC Guidance.

**RESOLVED that the Committee recommends a '15' classification for each of the films 'The man in the basement' and 'Who's afraid of Jewish humour'.**

**LICENSING COMMITTEE – 20 JUNE 2023**

<b>Title of paper:</b>	<b>Consideration of Draft Statement of Licensing Policy</b>	
<b>Director(s)/ Corporate Director(s):</b>	Colin Wilderspin Interim Director – Communities	<b>Wards affected: ALL</b>
<b>Report author(s) and contact details:</b>	Nick Burns Nick.burns@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Ann Barrett 0115 8764411 Ann.barrett@nottinghamcity.gov.uk	
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	N/A	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Relevant Council Plan Outcome:</b>		
Green, Clean and Connected Communities	<input checked="" type="checkbox"/>	
Keeping Nottingham Working	<input checked="" type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input checked="" type="checkbox"/>	
Child-Friendly Nottingham	<input checked="" type="checkbox"/>	
Living Well in our Communities	<input checked="" type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input checked="" type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b> The reports asks the Committee to consider and note the draft Statement of Licensing Policy prior to its submission to Full Council on 10th July 2023 for release to public consultation.		
<b>Recommendation(s):</b>		
<b>1</b>	That the draft Statement of Licensing Policy at Appendix 1 be noted and open to the Committee for comments.	

**1. Reasons for recommendations**

- 1.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2024. This report is brought to Committee to note/comment on the proposed Statement at the request of the Chair as the main Committee which implements the Statement of Policy. Adoption of the Statement is however a matter which is reserved to Council.

**2. Other options considered in making recommendations**

- 2.1 None

### 3. Consideration of Risk

3.1 It is a statutory requirement of the authority to publish a Statement of Licensing Policy.

### 4. Background (including outcomes of consultation)

4.1 As a Licensing Authority for the purposes of the Licensing Act 2003 (the Act), the Council is required to produce and publish a Statement of Licensing Policy (the Statement). The purpose of the Statement is to inform those making and considering applications for licences and other notifications under the Act of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and Statutory Guidance issued by the Home Office. Such Statements remain in force for a period of 5 years but must be kept under review and revised at such times as the Licensing Authority considers appropriate.

4.2 The Statement was last reviewed in 2018 with the new Statement being adopted by Full Council on 12<sup>th</sup> November 2018 and taking effect from 7 January 2019 for a five year period.

4.3 Before determining any amendment to its Statement of Policy, the Authority must consult with:

- The chief officer of police for the Authority's area
- The fire and rescue authority for that area
- Each Local Health Board for an area any part of which is in the licensing authority's area,
- Each local authority in England whose public health functions within the meaning of the [National Health Service Act 2006](#) are exercisable in respect of an area any part of which is in the licensing authority's area
- Such persons as the Authority considers to be representative of holders of premises licences issued by the Authority
- Such persons as the Authority considers to be representative of holders of club premises certificates issued by the Authority
- Such persons as the Authority considers to be representative of holders of personal licences issued by the Authority
- Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area

4.4 As with previous Statements there has been liaison with neighbouring Licensing Authorities whilst preparing the draft Statement. The purpose of this is to try and ensure a consistency of approach where possible and appropriate whilst appreciating that each Authority will have its own specific issues and areas which need to be tackled individually. Whilst there is some similarity to the existing Statement the draft Statement has been updated to take into account changes that the Cumulative Impact Assessments have now lapsed and further changes in legislation and guidance, new guidance was released in December 2022 and considerations have been made to those changes within this Statement of Licensing Policy.

4.5 The Committee, as the main user of the Statement is being asked to provide any comments that it may have on the draft Statement prior to submission to Council which will be asked to release the draft for consultation. It is proposed that consultation will last for an 8 week period.

**5. Finance colleague comments (including implications and value for money)**

5.1 The statutory fees levied for the regime are intended to cover the cost of the review of this policy.

**6. Legal colleague comments**

6.1 It is a statutory requirement that the draft Statement be the subject of consultation with prescribed bodies and individuals and that thereafter a Statement of Policy be approved to come into effect on 7 January 2024. The main proposed changes to the Statement reflect changes in legislation and Guidance and a review of the Cumulative Impact section following the lapse of the Authority's previous Cumulative Impact Assessments.

6.2 Approval of the Statement is a Council function however Licensing Committee's terms of reference enable it to provide a consultative role in the preparation of the Statement. It is therefore within the Committee's power to provide comments on the draft Statement.

Ann Barrett, Team Leader, Legal Services 2 May 2023

**7. Equality Impact Assessment (EIA)**

7.1 An EIA is not required because this is a statutory requirement and the policy has been developed to enable fairness to all parties.

**8. Data Protection Impact Assessment (DPIA)**

8.1 A DPIA is not required because this is a statutory requirement and the policy does not have sensitive information within the policy.

**9. Carbon Impact Assessment (CIA)**

9.1 A CIA is not required because this is a statutory requirement and the policy does not have a carbon impact.

**10. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

10.1 None

**11. Published documents referred to in this report**

11.1 Policing & Crime Act 2017  
Licensing Act 2003  
Guidance issued under s182 of the Licensing Act 2003, December 2022

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**Nottingham City Council**

# **Statement of Licensing Policy**

**Effective from 7 January 2024**



**Nottingham  
City Council**

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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

## 1 INTRODUCTION

- 1.1 Nottingham City Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing authorities 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 Statement 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, tourism and opportunity to improve people's mental health, wellbeing and reduce loneliness within the city. As well as promoting restaurants, the Council is keen to encourage a diverse range of premises catering for a wide range of age groups and uses. 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 licenses over 1,300 licensed premises of all types including over 1000 premises licensed to serve alcohol and some 750 venues providing entertainment. This includes 380 off licenses and 43 member's clubs. Additionally there are around 135 premises licensed to supply late night refreshment. The COVID-19 Pandemic affected the licensed business and hospitality industry quite significantly and we have a desire to rebuild and encourage growth within the economy in the city of Nottingham, as long as businesses comply with the requirements of the Licensing Act 2003 and meet the listed objectives within it. The entertainment industry brings cultural and financial benefits to the City and additional businesses operating in both the daytime and night time 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 and to attracting the wide range of people who want to come here to work, to study, to visit and to live. However, the predominantly urban nature of the City, the high density of licensed premises in some areas, 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 (particularly during night-time hours when residents may expect that their sleep should not be unduly disturbed)
- 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 and other nuisance, the potential negative impact alcohol can have on physical and mental health, 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;
- Supporting related policies and strategies of the Council: and
- 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, health, race equality and culture.
- 1.8 In so far as there is no conflict with the Licensing Objectives this Policy Statement will also support the City Council Plan which creates a vision for the City and in particular makes reference to the following priorities:
- A safer city for people to live, work, study and visit.
  - A diverse, creative, vibrant and multicultural city.
  - A city where there is lots to do for people of all ages.
  - A healthy city, where people look after themselves and make healthy choices
  - A city that takes care of its residents.
  - A city where there are opportunities for everyone, businesses are supported to thrive and we're all encouraged to prosper and be ambitious.
  - A city where people from all walks of life get on well and respect each other.
  - A cleaner city that we all take pride in.

Underpinning these priorities are commitments to:-

- Develop a rolling programme to introduce "alcohol – free zones" to tackle street drinking in communities that want it (subject to meeting the relevant statutory tests) by way of a Public Spaces Protection Order
- To support an annual programme of popular events including Splendour, Goose Fair, Nottingham Beach, The Winter Wonderland and the Riverside Festival to ensure a safe and well regulated environment

In addition:

To support residents expectations that their sleep will not be unduly disturbed between the hours of 23:00 and 07:00

- 1.9 This Policy Statement also supports the work carried on by the Nottingham 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.
- 1.12 On the other hand the effect of a proliferation of licensed premises on the promotion of the Licensing Objectives where properly evidenced is a matter that can be properly considered by the Authority.
- 1.13 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, other person or business 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 & LICENSABLE ACTIVITIES**

- 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. Licensing is about the management of licensed premises and activities within the terms of the Act.

2.4 The Act only covers certain 'licensable activities' namely:

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to a member;
- (c) the provision of 'regulated entertainment' and
- (d) the provision of late night refreshment.

The definition of what constitutes 'regulated entertainment' is complex and has been (and remains) the subject of Government deregulation. Whilst 'regulated entertainment' potentially covers live or recorded music, dancing, plays, films and certain types of sporting activities, the Act itself provides various exemptions and restrictions on the types of activities subject to licensing. Other legislation such as the Live Music Act 2012 has removed the ability of the Licensing Authority to regulate live music at certain times and in certain circumstances and there has been, deregulation of certain other forms of regulated entertainment primarily between the hours of 8.00am and 11.00pm and where that entertainment takes place before an audience of a prescribed size. It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Licensing Authority will necessarily have the power to impose restrictions or conditions on such entertainment.

2.5 Where an activity is licensable, the promotion of the licensing objectives is the paramount consideration for the Authority. In the absence of valid representations from Responsible Authorities or other persons 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. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned and 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. 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. Further details regarding such conditions can be obtained from the Licensing Team.

## 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 they are 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 licensed premises has differing impacts according to their style and characteristics. Large venues, high volume vertical drinking establishments, and premises that promote irresponsible drinking can disproportionately contribute 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 and the Licensing Authority's discretion is engaged, 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 indicates that public nuisance is not narrowly defined within the Act and whilst it retains its broad common law meaning it may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises as well as major disturbance affecting the whole community.

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 can address 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 immediate vicinity of the 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 Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.
- 2.20 The Licensing Authority in partnership with the Police and partners work closely with licensed premises in order build an awareness across the industry as to how those who work in such establishments may better recognise the “indicators” of children and vulnerable persons who may be subject to or at risk of abuse, exploitation, and trafficking; and to whom to report any concerns that those licence holders and their staff may have should they identify someone who is / may be at risk.
- 2.21 As part of this process the Licensing Authority carries out regular enforcement/compliance checks across all of the premises licensed in our area, in order to build good working relationships with licence holders and designated premises supervisors, and providing them with advice as to how they and their staff can help safeguard children and vulnerable persons across the region.
- 2.22 When considering applications for new licences and variations to existing licences, the Licensing Authority will seek to be assured that applicants have considered the safeguarding of children and vulnerable persons within the Operating Schedule of the application.’
- 2.23 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 STRATEGIC LINKS AND OTHER REGULATORY REGIMES**

- 3.1 There is a range of strategic influences and statutory controls which affect the licensing regime 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.
- 3.2 This Policy also supports the Council's City Land and Policies Plan. This Plan sets out a long term vision for the future of the City Centre. Food, drink and entertainment uses form an important part of the City Centre leisure offer and provide a key element of the City Centre economy. As well as being an attraction in their own right, restaurants, bars and entertainment venues make a significant contribution towards extending the dwell time of those persons visiting the City Centre for other purposes such as shopping, business or work reasons, and reinforcing the social dimension of the City Centre. Regeneration forms part of the LAPP identifying quarters with distinctive characteristics and uses during the day and evening. The Canal Quarter has been highlighted as an area where it is important to host food and drink and entertainment uses close to the canal, building on the success of existing leisure and entertainment uses. The Castle Quarter is focused on enhancing existing restaurant and leisure offers. The Royal Quarter is focused on entertainment uses and further enhancement of high quality venues to serve a wide range of users inclusive of families, will be encouraged.
- 3.3 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.
- 3.4 Whilst Public Health is not a Licensing Objective, Public Health are a Responsible Authority and advise that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related disease and mortality.

Alcohol contributes to more than 200 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity.

- 3.5 In 2021, Nottingham City had an alcohol-related mortality rate of 44.5 per 100,000, which is higher than the East Midlands average (40.3 per 100,000) and the England average (38.5 per 100,000). Nottingham City also sees among the highest number of alcohol related hospital admissions in England (838 in 2021/22, compared to the England average of 626).
- 3.6 Whilst maintaining an impartial role, the Authority will secure the integration of its' licensing function with other strategies by supporting partnership working with other agencies and Council services, and by establishing working protocols as required.

## **4 DELIVERING LICENSING SERVICES**

- 4.1 Delivery of the licensing regime will be in accordance with the Equality & Community Relations requirements of the Council together with 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.
- 4.2 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.
- 4.3 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](http://www.nottinghamcity.gov.uk)) or by contacting the Licensing Authority direct
- 4.4 The Licensing Authority will maintain an impartial role in service delivery and cannot

act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. However, this will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or parties.

#### 4.5 **MEETING THE NEEDS OF LOCAL COMMUNITIES**

4.6 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.

4.7 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.

4.8 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 Office or on the Licensing website [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

### 5 **HOW THIS STATEMENT OF POLICY WORKS**

5.1 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
- support wider strategies of the City

5.2 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***.

5.3 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 other persons

and businesses 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.

- 5.4 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 (see also paragraph 6.27 and 6.28 below).

## **6 GENERAL PRINCIPLES**

- 6.1 In determining a licensing application, the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 of the Act. Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.

### **6.2 EQUALITY ACT 2010**

- 6.3 The council is committed to eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations within and between our communities.

- 6.4 It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of

- Age
- being or becoming a transsexual person
  - being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

- 6.5 In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example, discrimination will be experienced if access to

the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at <https://www.gov.uk/guidance/equality-act-2010-guidance>

## **7 APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION**

7.1 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. Failure to comply with the statutory requirements may result in your application or notice being invalid. This section of the Policy Statement gives basic guidance on how those applications and notifications will be considered.

### **7.2 REPRESENTATIONS - THE POWER TO 'HAVE YOUR SAY'**

7.3 Having your say in licensing terms is called 'making a representation' but not everyone has the right to have their say in respect of all applications/notifications. There is a prescribed period from the time the Licensing Authority receive the application for representations to be received. This is usually 28 days but varies depending on the type of application under consideration. Representations can include positive / supportive representations as well as "objections".

7.4 "Responsible Authorities" (certain statutory bodies defined by the Act,) and other persons, can have their say whenever the Licensing Authority receive an application for a new licensed premise, for a full variation to an existing authorisation or an application for a review. In addition, certain Responsible Authorities (but not other persons) can also make representations on other types of applications and notifications such as applications for personal licences or notifications for temporary events. If no representations are received then the application must be granted as applied for (including where appropriate any conditions volunteered by the applicant,) and events and/or activities become authorised.

7.5 Guidance on making a representation is available from 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. 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.

- 7.6 The matters which can be taken into account once the Licensing Authority's discretion has been engaged vary dependant on the type of application/notification concerned. These matters are discussed in more detail below in relation to the following types of authorisation:-
- A. Premises Licences and Club Premises Certificates – Paragraphs 7.7 – 7.15 below
  - B. Personal Licences – Paragraphs 7.53 – 7.54 below
  - C. Temporary Event Notices – Paragraphs 7.59 – 7.65 below

Applications where only the Police have a right to make representations on limited grounds (eg transfer of licences, transfer of DPS etc) are not covered by this Policy Statement but will be determined on their own individual facts

**7.7 A. CONSIDERATION OF MATTERS RELATING TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

7.8 The process of applying for new premises licences and “full variations” of current premises licences are dealt with in same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. If representations are received (and are not subsequently withdrawn following negotiation) the matter will be heard by a Licensing Panel. The fee for such applications depends on the size of the premises. All applicants are encouraged to use the gov.uk site to submit online applications.

7.9 The process for a “minor variation” to a current premises licence is different. Minor variations are those which should not have a material effect on the way in which the premises are operated. For example, minor variations can be applied for to vary times of activities (but not to increase the hours when alcohol can be sold), to make minor structural alterations to the premises (which are to be reflected by an amendment to the Licence Plan,) and to add or remove conditions from the licence. There is one prescribed fee for such applications. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can still apply to make the same changes under the full variation process.

7.10 In order for a representation to be accepted and considered by the Licensing Authority, it must also be “relevant”, that is it should be positively tied or linked by a

causal connection to the application premises and should relate to one or more of the Licensing Objectives.

- 7.11 Representations which are not relevant will not be accepted by the Licensing Authority. The Authority also has the power to refuse to accept a representation if it determines that it is frivolous or vexatious. The Authority will determine this on the basis of what might ordinarily be considered to be frivolous or vexatious. Whilst Regulations allow for further information to be put forward at any subsequent hearing, that material must relate to the initial representation and cannot include additional areas of representation. 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 representations in certain circumstances and further information about this is available from the Licensing Officer.
- 7.12 Where appropriate the Authority will seek to facilitate mediation between licensees, relevant agencies, other persons and businesses where significant issues have arisen relating to an existing authorisation. This will not override the right of any, person or business from making an application for the review of a licence. However, where possible and appropriate, the Council expects Responsible Authorities, other persons and businesses to give early notice to licence holders of any concerns about problems identified at a premise 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.
- 7.13 Where representations are received the characteristics of an area and the impact that the premises may have upon that area in terms of the promotion of the licensing objectives 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. 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.
- 7.14 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.

7.15 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff, and the adoption of best practice (which may include participation in such schemes as Best Bar None, Purple Flag or Business Improvement Districts (BIDs)) 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'.

7.16 **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.***

7.17 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.

7.18 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 in partnership with local businesses, transport operators and other departments of the Local Authority
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas.
- Enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of Fixed Penalty Notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of the police, other Responsible Authorities or other persons

to seek a review of a licence or a certificate.

- Early Morning Alcohol Restrictions Orders (EMROs)
- Cumulative Impact Assessments
- Any other local initiatives that similarly address these problems.

#### 7.19 **Policy: 2**

**When preparing or considering applications, Applicants, Responsible Authorities, other persons businesses 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 appropriateness 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) Potential for Cumulative impact to arise**
- (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) Noise arising from patrons leaving the premises**
- (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.***

7.20 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

7.21 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. Applicants applying for new "off-licences" in residential areas should carefully consider the

hours that they are applying for and, the Licensing Authority encourages and expects applicants to limit their terminal hour 2300 hrs in such circumstances so as to reduce the impact of noise and anti-social behaviour on the community.

- 7.22 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.
- 7.23 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.
- 7.24 The Authority is mindful of the responsibilities that licence holders have for preventing antisocial 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.
- 7.25 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.
- 7.26 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.
- 7.27 Any condition attached to a licence or certificate should be:
- Clear
  - Enforceable
  - Evidenced
  - Proportionate
  - Relevant

- Expressed in plain language capable of being understood by those expected to comply
- Appropriate in all the circumstances of the case

Applicants and those making representations should bear these principles in mind when suggesting conditions to be attached to a licence. Further advice is available from the Licensing Office upon request.

7.28 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.

#### 7.29 **CUMULATIVE IMPACT**

7.30 In some areas the number, type or density of licensed premises is high or exceptional and the impact on surrounding areas of the behaviour of the customers of all premises taken together is or will be greater than the impact of the customers of the individual premises.

7.31 Cumulative Impact is the potential impact on the promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. 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. Subject to their being sufficient evidence and compliance with certain statutory procedures, Licensing Authorities have the power to publish Cumulative Impact Assessments (CIAs) for areas which they believe to be suffering from Cumulative Impact. These set down a strong statement of intent about how an application may be viewed. Whilst no CIAs are currently in force within the district the absence of a Cumulative Impact Assessment does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact which should include evidence to show boundaries of the area which is alleged to be suffering from cumulative impact and that it is the customers of licensed premises that are causing the problems alleged.

**7.32 ADULT ENTERTAINMENT**

- 7.33 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.
- 7.34 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 involves nudity (such as lap or pole dancing establishments,) or which are for the purpose of sexually stimulating any member of the audience. Whilst these licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district, Nottingham City Council adopted these provisions with effect from 1<sup>st</sup> September 2010 and subsequently revisited the document in January 2010 and June 2018 where it was considered that no changes needed to be made to the document.
- 7.35 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 under the terms of any sex establishment licence which may be granted under the 1982 Act. The Licensing Act licence will then continue to regulate any other licensable activities.
- 7.36 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.
- 7.37 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.

7.38 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.

### 7.39 **CHILDREN**

7.40 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'.

7.41 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

However, other issues such as the potential for sexual exploitation, grooming and alcohol related violence may also raise safeguarding concerns which may be taken into account when the Board considers applications and operating schedules.

7.42 Nottingham City Council is committed to both the safeguarding of children and other vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

7.43 The Licensing Authority in partnership with the Police, the Nottingham City Safeguarding Board, and local Community Safety Partnerships works closely with licensed premises in order build an awareness across the industry as to how those who work in such establishments may better recognise the "indicators" of children and vulnerable persons who may be subject to or at risk of abuse, exploitation,



and trafficking; and to whom to report any concerns that those licence holders and their staff may have should they identify someone who is / may be at risk. As part of this process the Authority carries out regular enforcement/compliance checks across all of the premises licensed in our area, in order to build good working relationships with licence holders and designated premises supervisors, and providing them with advice as to how they and their staff can help safeguard children and vulnerable persons across the wider Nottinghamshire region.

7.44 When considering applications for new licences and variations to existing licences, the Authority will seek to be assured that applicants have considered the safeguarding of children (and ideally other vulnerable persons) within the Operating Schedule of the application. 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.

7.45 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.

7.46 **Policy: 3**

**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***

7.47 **REVIEWS AND SUSPENSION**

7.48 At any stage following the grant of a premises licence or club premises certificate a

Responsible Authority, other person or business 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.

7.49 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, the use of the premises for illegal activities or for employing persons who are disqualified from work by reason of their immigration status revocation may be considered an appropriate course of action even in the first instance.

#### 7.50 **LICENCE SUSPENSION**

7.51 In addition to being a power available on the review of a licence the Licensing Act 2003 requires Licensing Authorities to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due unless an administrative error or dispute has been notified to the Licensing Authority. In such cases there will be a grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within grace period the licence must be suspended.

7.52 Where such a suspension takes place the Licensing Authority must give a minimum of two days notice and may inform the police and other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

#### 7.53 **CLOSURE NOTICE**

7.54 Section 19 of the Criminal Justice and Police Act 2001 (the Act) gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of authorisation.

7.55 The notice informs the person with control of, or responsibility for, the activities

carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.

**7.56 B. CONSIDERATION OF MATTERS RELATING TO PERSONAL LICENCES**

7.57 In most cases the Authority is under a duty to grant a Personal Licence so long as the applicant meets the criteria prescribed in section 120 of the Act. Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the Act,) or, has been required to pay an immigration penalty the Authority is obliged to notify the police, and in the case of immigration offences and penalties, the Secretary of State. In these cases, a licence will still be granted unless an objection is received within the prescribed period. Where an applicant is convicted of a relevant offence, foreign offence, or is required to pay an immigration penalty during the application period and this only comes to light after the licence has been granted then the Authority must notify the Chief Officer of Police/ Secretary of State (as appropriate). Where objection notices are received they will be considered at a hearing of the Licensing Panel.

**7.58 Policy: 4**

**When considering an objection notice or immigration objection notice the Authority will take the following matters into consideration:**

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

**In relation to the consideration of an objection notice the Authority will reject the application/revoke the licence where it feels it appropriate to do so in order to promote the Crime Prevention Objective.**

**In relation to the consideration of an immigration objection notice the Authority will reject the application/revoke the licence where it feels it appropriate to do so for the prevention of illegal working in licensed**

**premises.**

***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. Similarly granting a licence to a person convicted of an immigration offence or who has paid an immigration penalty will in many cases undermine the prevention of illegal working in licensed premises which itself is a crime.***

7.59 Where the holder of a Personal Licence is subsequently charged with a relevant offence they are under a duty to notify the Court. If convicted the Court may order that the licence be forfeit or suspended. In most cases Personal Licence holders are under a duty, to notify the Authority if they are convicted of a relevant offence, foreign offence or required to pay an immigration penalty and a failure to do so is also a criminal offence.

7.60 Where the Authority is aware that a Personal Licence holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty it may suspend the licence for a period not exceeding 6 months or revoke the licence. Before doing so the Authority will serve a notice on the personal licence holder inviting them to make representations within 28 days regarding:-

- The offence/penalty
- Any decision a court made regarding the licence at the time of the conviction
- Any other relevant information (including the holders personal circumstances)

After the 28 day period has elapsed the authority will make a decision as to what action it will take based on the information provided to it. In circumstances where the Authority does not propose to revoke the licence notice must be given to the Chief Officer of Police inviting representations as to whether the licence should be suspended or revoked. **The Act does not require a hearing to be held at any stage during this process.** Licence holders (and the Police) will be notified of the Authority's decision in writing along with their right of appeal.

## 7.61 C. CONSIDERATION OF TEMPORARY EVENT NOTICES

7.62 There are two types of types of Temporary Event Notice (TEN),

- A Standard TEN, and
- A Late TEN

A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served no more than nine and not less than five working days before the event to which it relates.

7.63 Temporary event notices are subject to various limitations. These are concerned with:

- the number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
- the number of times a TEN may be given for any particular premises (20 times in a calendar year);
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises (26 days in a calendar year);
- the maximum number of people attending at any one time (fewer than 500); and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises' user (24 hours).

Whilst it is correct at the point of publication of this Statement of Licensing Policy applicants are advised to check that they fall within the legislative requirements or seek advice in advance of their TEN submission as the conditions are subject to change or reviewed at any given point in time.

7.64 Whilst the Council 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 event), 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 and Prevention of Public Nuisance objective's. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.

7.65 Persons serving Temporary Event Notices must also serve a copy notice on the police and the responsible authority for Environmental Health functions (i.e. the Councils Environmental Health section), except where served electronically.

- 7.66 Only the Police and Environmental Health Officer have the right to make representations in respect of TENs and in the event of representations being received the Licensing Authority's powers in respect of such matters are limited to either allowing the event to proceed as notified, serving a counter notice to render the event unauthorised, or, in cases where the notification relates to premises which are already licensed, to applying any relevant conditions on the licence to the event. Further information regarding Temporary Event Notices is contained on the Councils web pages.
- 7.67 There is no scope for hearings or appeals in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, a counter notice will be issued to the applicant to advise that the event is not permitted to take place. A copy of the notice is issued to all parties. Further information regarding Temporary Event Notices is contained on the Councils web pages.

## **8 GENERAL ENFORCEMENT STATEMENT**

- 8.1 The Licensing Authority has delegated several of its functions to its Licensing Committee, Sub-committees and Officers. Further information on these delegations can be obtained from the Licensing Officer. 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.
- 8.2 The Authority has established and maintains enforcement protocols with the Police and other relevant enforcement agencies. If you have a complaint regarding licensed premises and are unsure who is the relevant enforcement agency, please contact the Licensing Officer for further guidance.

## **9 MONITORING AND REVIEW OF THIS STATEMENT OF LICENSING POLICY**

- 9.1 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](http://www.nottinghamcity.gov.uk)**

**E:MAIL: [general.licensing@nottinghamcity.gov.uk](mailto: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 recommends 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.
- We will promote the availability of free tap water to customers where it is reasonably available.
- We will provide and promote low-alcohol and alcohol-free alternatives.

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 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 within your premise?

- 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.
- We will promote the 'Ask for Angela' scheme and provide training for all staff members including security staff, where possible.

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.
  4. What measures will you put in place to reduce harm to people who are drinking alcohol on your premise?
    - Providing and promoting alcohol-free and low alcohol alternatives
    - Encouraged to display posters/leaflets of services who support people who are drinking at high or increasing levels of risk
    - Displaying Drinkaware resources throughout your premise.
    - Encouraged to display posters/leaflets about the risk of drinking alcohol when pregnant.

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

5. Emergencies – issues in relation to fires, emergency management, evacuation and overcrowding.
6. 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 steps can you take to reduce the impact that sales of alcohol from your premises may have on the community around you?

- We will implement a bottle marking scheme
- We will take part in the Voluntary Code for Off-Licences or similar initiatives
- We will ensure that sales are not made to people who already appear drunk
- We will ensure sales are not made to known street drinkers
- We will not sell beer, lager and/or cider with an ABV of 5.6 or above

5. 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:

6. Lighting – Excessive artificial lighting in the vicinity of licensed premises.
7. 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

8. 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 1<sup>st</sup> 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.

9. 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.

10. 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.

11. 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 25 policy; asking those who appear to be under 25 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 display of prominent warning notices about the supply of alcohol to minors
- 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 safeguarding lead.

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.
- Provide training to staff to enable them to identify hidden harm around parental alcohol use.

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.



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