

LICENSING ACT 2003 - Statement of Licensing Policy

INTRODUCTION

Located in the heart of England, Wychavon covers 260 square miles and is the largest of six districts in Worcestershire. With a population of 116,900, the district comprises three main towns of Droitwich Spa, Evesham and Pershore, and nearly 100 villages including the picturesque Cotswold village of Broadway.

The area is largely rural with a rich natural environment, diverse geology and historic heritage. The southern part of Wychavon forms part of the Cotswolds Area of Outstanding Natural Beauty. There are a number of sites of Special Scientific Interest. Local nature reserves, conservation areas and many listed buildings.

Pershore is known for its Georgian Architecture and is home to an impressive Norman abbey and the thriving Number 8 Community Arts Centre. In the south, Evesham is situated on the banks of the River Avon.

The district has excellent transport links by road and rail and has a thriving local economy, in which the diverse range of activities at licensed premises (including many public open spaces) play a prominent part.

This policy statement accords with our overall vision which is of a “safe, green, healthy and beautiful district that is a vibrant and creative place for everyone to live, work and visit”.

We have produced the statement as required by the Licensing Act 2003 to provide information and guidance to applicants, responsible authorities and interested parties on the general approach that we will take to licensing. Specific details are provided by way of advice sheets, available from our web site or sent on request.

LICENSING POLICY STATEMENT

As a licensing authority, we have based this policy on the requirements of the Licensing Act 2003 and statutory guidance from the Department of Culture, Media and Sport (DCMS). This policy has effect from 7th January, 2008.

The Council’s Licensing Committee is responsible for making licensing decisions. This power is delegated to its Sub-Committees and officers as detailed in the formal Guidance to the Licensing Act 2003 and any subsequent Regulations issued. The current scheme of delegation will be available from the licensing unit.

We will consult with interested parties and review our policy every 3 years – and, additionally, if we become aware that this policy is having a negative impact on business or undermining the licensing objectives.

Where there are no representations (representations are objections that we have accepted as relevant), applications will be granted with no hearing, subject only to any mandatory conditions detailed in the Licensing Act 2003 and to any conditions arising from the application form (if appropriate).

If there are representations or an accepted request for review that can't be resolved informally, relevant parties will be invited to a public hearing. At hearing, our Licensing Sub-Committee will determine the application in accordance with the Licensing Act and with a view to promoting the licensing objectives in the overall interests of the local community, giving appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;

- the Secretary of State's formal guidance to the Act
- this statement of licensing policy

This policy applies to activities that we have to licence by Law, on licensed premises, by qualifying clubs and at temporary events. These are:

- retail sale of alcohol;
- supply of alcohol to club members;
- provision of entertainment to the public, or club members or with a view to making profit;
- theatrical performance;
- film exhibition;
- indoor sporting event;
- boxing or wrestling entertainment;
- live music performance;
- playing of recorded music;
- dance performance;
- provision of facilities for making music;
- provision of facilities for dancing, and
- supply of hot food and / or drink from premises between 23.00 to 05.00 hours.

Decision Making Process

We will consider every application sent to us, on its individual merits. When we make licensing decisions we will promote:

- prevention of crime and disorder;
- protection of public safety;
- prevention of public nuisance, and
- protection of children from harm.

In general, we will combine licensing with the full range of regulatory powers and policies to help achieve the licensing objectives. For example;

- planning and environmental health powers for controlling development, health and safety and nuisance;
- use of the power of the police, other responsible authorities, local residents and business to seek review of the licence or certificate in question;
- use of powers preventing public consumption and allowing confiscation of alcohol from adults and children in named parts of the district;
- positive measures to create safe and clean town centres including use of CCTV surveillance;
- Police enforcement of general law concerning disorder and anti-social behaviour and specific law enabling instant closure of premises or temporary events where there is disorder, likelihood of disorder or noise nuisance;
- Informing local transport policies as to the need to disperse people swiftly and safely, and
- "crime and disorder" policies and powers.

Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.

Integrating Strategies

We have consulted widely when deciding this policy, to ensure that it is integrated with all relevant local strategies, policies and initiatives.

Approved by Wychavon District Council on 11th December 2007

The Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:

- local crime prevention strategies;
- needs of the local tourist economy;
- any cultural strategy for the area;
- employment issues in the area;
- any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
- local relevant partnerships and their objectives.

Live music, dancing and theatre

We recognise the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, and that providing consumers with greater choice and flexibility is an important consideration. We will balance these wider cultural benefits with the natural concern to prevent disturbance in neighbourhoods and the duty to promote the licensing objectives.

When a solution is not agreed at a hearing and we impose conditions on a licence, those conditions will be practical and appropriate and we will try to avoid indirect costs which may deter live music, dancing or theatre.

This policy will be reviewed if we obtain evidence that licensing requirements are deterring broader cultural activities and entertainment.

Promotion of Equality

We are committed to eliminating all forms of unlawful discrimination, the promotion of equality of opportunity and good relations between persons of different racial groups. In line with our Diversity Policy we will monitor for any adverse impacts resulting from this policy.

Conditions

Unless there are relevant representations, we have to grant applications subject only to conditions consistent with the applicant's operating schedule and to any mandatory conditions prescribed in the Licensing Act 2003.

At a hearing, we will only impose conditions to promote the licensing objectives. The precise wording of each condition will be determined in accordance with the application that is being considered and the nature of the premises; participating parties at the hearing will be given an opportunity to express an opinion before conditions are imposed.

Where relevant, conditions will have regard to local crime prevention strategies and will only relate to matters that the licence holder can control. Conditions will focus on the premises being used for licensable activities and the immediate vicinity of those premises.

We will not duplicate requirements of other legislation in licence conditions, such as:

- duties imposed by health and safety or fire safety law, and
- the requirement to obtain approval under town and country planning law for development or use of land.

In summary, conditions will only be attached where: -

- a relevant representation or request for review has been received, and;
- the condition relates to the representation or request for review, and;
- the condition is necessary for the promotion of one or more licensing objectives and;

- the condition is not a “standard” one, but is tailored specifically to the premises in question and;
- the condition is proportional to the circumstances and;
- the condition does not duplicate any other statutory provision or requirement and;
- the requirement of the condition is within the control of the licensee or;
- the condition is a mandatory one.

We may consider adoption of a "special saturation policy" for particular areas, if we have evidence of problems because of the overall number of licensed premises. We will follow the procedure for adopting such a policy outlined in the DCMS guidance.

Licensing Hours

We will have a flexible approach to hours when alcohol can be sold or supplied. We will give more freedom to responsible licensees, but we may impose stricter controls on particular licensed premises, such as those effecting residential properties.

We will not generally restrict times when shops, stores or supermarkets can sell alcohol for consumption off the premises. But we may do so at hearing where there is evidence of sale of alcohol to children or premises are a focus of disorder and disturbance.

Protection of Children

The Licensing Act 2003 does not stop children having access to licensed premises of all kinds.

We will not generally impose any conditions relating to the access of children to licensed premises, unless it is necessary for the prevention of harm to children. But we expect licence holders to restrict access by children where they think it's appropriate.

Following representations we may decide that restrictions are necessary on premises where:

- there have been convictions of members of the current staff for serving alcohol to minors;
- there is evidence of underage drinking, or failure to operate in line with the Portman Group Code of Practice on naming, packaging and promotion of alcoholic drinks;
- there is a known association with drug taking or dealing;
- there is a strong element of gambling on the premises;
- entertainment or services of an adult or sexual nature are commonly provided or
- the main purpose of the premises is supply of alcohol for consumption on the premises.

Options that we will consider may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place or on particular parts of premises, and
- requirements for accompanying adult.

We will not impose conditions requiring the admission of children to any premises.

Responsible Authority and Children

We have identified the Worcestershire Safeguarding Children Board as being competent to act as the responsible authority in relation to the protection of children from harm. Within the Board, the day to day management of licensing issues is delegated to the Service Development Manager (Safeguarding), Children’s Services, Worcestershire County Council.

Children and Cinemas

Where film exhibitions are to be given, we expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC). Where films which are not classified by the BBFC are to be shown, we expect operating schedules to specify the arrangements to ensure that children are not exposed to inappropriate material.

Guidance to Applicants

We will provide detailed guidance for applicants and others involved in the licensing process, including contact details for responsible authorities.

To minimise likelihood of representations and subsequent sub-committee hearings, applicants and clubs should liaise with the responsible authorities when they are preparing operating schedules.

Separation of licensing, building control and planning functions

We will make sure that there is a proper separation of licensing, building control and planning functions.

The licensing committee will report to the committee dealing with planning matters where appropriate, to outline the situation relating to licensed premises in its area, including the general impact of alcohol related crime and disorder.

Enforcement

We have and will maintain protocols with the Police Authority and enforcing authorities, detailing local arrangements for the enforcement of the Licensing Act 2003 in licensed premises. The protocol is available on our Internet site and a copy will be sent on request.

We will comply with the Regulator's Compliance Code when enacted in respect of licensing functions. Our current enforcement policy is available on request and on our Internet site.

In summary we will:

- Support economic progress
- Use risk assessment to concentrate resources in areas that need them most, and inspect only when necessary
- Provide information and advice and properly communicate legal requirements
- Minimise data collection burdens on businesses
- Enforce in a transparent manner and use sanctions effectively
- Be accountable and independent in our decision making.