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Direct dial 0115 914 8320  
Email democraticservices@rushcliffe.gov.uk

Our reference:  
Your reference:  
Date: Monday, 9 October 2023

To all Members of the Licensing Committee

Dear Councillor

A Meeting of the Licensing Committee will be held on Tuesday, 17 October 2023 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

1. Apologies for Absence
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 2 November 2022 (Pages 1 - 4)
4. Statement of Licensing Policy 2024-2029 (Pages 5 - 56)

The report of the Director – Neighbourhoods is attached.

### Membership

Chair: Councillor P Matthews  
Councillors: J Billin, A Brown, J Chaplain, K Chewings, G Fletcher, C Grocock, R Mallender, H Om, H Parekh, N Regan, D Simms, D Soloman, G Wheeler and G Williams

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**MINUTES  
OF THE MEETING OF THE  
LICENSING COMMITTEE  
WEDNESDAY, 2 NOVEMBER 2022**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,  
West Bridgford

**PRESENT:**

Councillors L Healy (Chairman), S Bailey, K Beardsall, L Howitt, R Mallender,  
D Simms, J Stockwood and J Walker

**OFFICERS IN ATTENDANCE:**

G Carpenter	Service Manager - Public Protection
M Hickey	Principal Officer
D Roberts	Senior Licensing Officer
H Tambini	Democratic Services Manager

**APOLOGIES:**

Councillors R Adair, B Bansal, N Begum, B Buschman, G Dickman, G Wheeler  
and G Williams

**1 Declarations of Interest**

Councillor J Walker declared an interest in Item 3 as she was in the process of  
applying for a premises licence.

**2 Minutes of the Meeting held on 4 November 2021**

The minutes of the meeting held on 4 November 2021 were approved as a true  
record and signed by the Chairman.

**3 Presentation - Progress with Licensing Matters**

The Service Manager – Public Protection introduced the Senior Licensing  
Officer who gave a presentation on progress with licensing matters, which  
covered the following issues:

- The Licensing Act 2003
- Licensing Act Amendments
- Taxi and Private Hire
  - Enforcement
  - City of Wolverhampton Council
- Recent Legislation
- Gambling Act 2005
- HiMOs
  - Housing Act 2004
- Animal Welfare
- Street Traders
- Caravan Parks

- Scrap Metal
  - Scrap Metal Dealers Act 2013
- Beauty and Skin
- National Anti-Fraud Network NR3 database

Following the presentation Councillors asked questions, and officers responded.

Councillor Mallender asked if an image of what the scrap metal licence looked like was available, as it was likely that people would be unaware of what to look for on a vehicle and the Senior Licensing Officer advised that an image of the licence would be uploaded on to the website.

Councillor Simms asked if organised bonfire night celebrations required a temporary events notice, and the Senior Licensing Officer advised that one would only be required if they were serving alcohol or had regulated entertainment.

Councillor Stockwood referred to the budget figures and asked if there were set targets, did income cover costs and had working with other councils been investigated, to consider the possibility of having one service across a number of counties. The Service Manager – Public Protection advised that there were no set financial targets, as the majority of licensing fees were statutory, and those that were not were audited, to ensure that the fee reflected the cost of the licence. In respect of sharing services, the Service Manager – Public Protection confirmed that this could happen and there were instances of it working elsewhere.

Councillor Stockwood referred to the differing standards in the market and the problem of trying to enforce Rushcliffe's high standards and questioned if in the future the Council should no longer be involved with taxi licensing or set a test so high that no-one would apply. The Principal Officer – Environmental Health advised that the Council was legally obliged to issue licences and tests were set according to Department of Transport guidance, and if the test was set excessively high, then that could be considered unreasonable. The Service Manager – Public Protection stated that an alternative approach could be to lower the standard at Rushcliffe, when the Taxi Policy was reviewed in 2025, to make it easier for drivers to apply; however, that might not be considered appropriate.

Councillor Butler asked if customers knew if the taxi they had ordered was locally registered and asked if many enquiries were made as to why so many taxis were licenced in Wolverhampton. The Senior Licensing Officer advised that the majority of vehicles being used were local; however, most were licenced in Wolverhampton and confirmed that yes numerous enquiries were received. The Principal Officer – Environmental Health stated that locally run taxi firms also had apps, it was not just larger companies. The Senior Licensing Officer advised that the Institute of Licensing was working hard with the Department of Transport to upgrade the guidance and legislation in relation to taxis. In relation to Uber, a recent development involved "surge" pricing, which involved prices doubling at peak times, with customers often not being made aware of that change. To help combat the recent cost of living

increases, the Council had also agreed to increase fares, in-line with increases made by the City Council.

Councillor Beardsall asked if Environmental Permits were administered by the Council or the Environment Agency and the Principal Officer – Environmental Health advised that the Council did have expertise in this field but not within the Licensing team.

Councillor Bailey referred to the licences given to collect scrap metal and asked if checks were made to ensure that lead from churches and other buildings was not included and officers advised that checks were made, ID had to be shown and payments could be traced, to ensure that if at a later date a load needed to be investigated by the Police, that could be done.

Councillor Healy referred to hospitality and how licence breaches were monitored and the Principal Officer – Environmental Health confirmed that if complaints were made about any premises, the Police would visit, and if they had any concerns they could petition the Council, as the Licensing Authority to revoke or add things to a licence.

The meeting closed at 8.13 pm.

CHAIRMAN

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## Licensing Committee

Tuesday, 17 October 2023

### Statement of Licensing Policy 2024-2029

#### Report of the Director – Neighbourhoods

##### 1. Purpose of report

- 1.1. It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2024.
- 1.2. In reviewing the Policy, the Council must carry out the statutory consultation as provided by the Act. Any comments will be considered and where appropriate the draft Policy will take these into account. Once the revised Policy has been approved and published it will be valid until 6 January 2029.

##### 2. Recommendation

It is RECOMMENDED that the Licensing Committee endorses the Statement of Licensing Policy and recommends it be approved by Council.

##### 3. Reasons for Recommendation

The Council is required to produce a Statement of Licensing Policy every five years upon which it will base its decisions. If approved the final Policy will go forward for approval by full Council and will be adopted no later than 7 January 2024.

##### 4. Supporting Information

- 4.1. The Council is the Licensing Authority as defined by the Licensing Act 2003. The Council is responsible for licensing and regulating licensed premises such as pubs, off-licences, late night takeaways and Registered Members' Clubs. It also issues personal licences to sell alcohol and effects transfers and variations of licences. The Authority also processes notices for temporary (occasional) events.
- 4.2. A Statement of Licensing Policy sets out the policies the Licensing Authority will apply when making decisions on licensing applications and reviews. It also serves to advise applicants of any local policies or requirements to consider when drafting an application. The Licensing Authority must have regard to its Statement of Licensing Policy when making decisions alongside any statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003.
- 4.3. A copy of the draft Statement of Licensing Policy is attached at Appendix A.

4.4. The draft Policy has been circulated for public consultation, one response has been received from the Director of Public Health and the comments have been accepted and the Policy amended.

4.5. The revisions to the previous Policy are provided in the table in Appendix B and include:

- Paragraphs 4.2 -4.9 - These paragraphs relate to the Director of Public Health as a statutory consultee and their role. The Director of Public Health has updated and highlighted areas within the Borough with relatively higher levels of alcohol related harm.
- Paragraphs 5.3-54 – Amendments to the definition of responsible authorities
- Paragraph 6.13 – Reference to public health issues
- Paragraphs 6.16-6.19 – Introduces the “entitlement to work in the UK” for applicants applying for licences
- Paragraph 7.2 – reference to Community Protection Notices as a mechanism for dealing with anti-social behaviour
- Paragraph 7.12- 7.13 - Updates around drugs and spiking of drink
- Paragraph 7.20 – Rewording in relation to “pool of conditions”
- Paragraph 7.26 – Changes in respect of counter terrorism as a result of new legal requirements
- Paragraph 7.27 and 7.28 – Narrative on cumulative impact has been removed as we do not have a cumulative impact area
- Paragraph 7.32-34 – Rebuttable presumption removed from the Policy as it has been removed from the section 182 guidance
- Paragraph 7.52 – inclusion of alcohol delivery services
- Paragraph 7.53-55 – Inclusion of pavement licences which have now been transferred to licensing authorities and are required to be included within the Policy
- Paragraph 8.5-8.7 – Safeguarding in relation women and girls.

## **5. Risks and Uncertainties**

None identified

## **6. Implications**

### **6.1. Financial Implications**

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

### **6.2. Legal Implications**

It is a statutory requirement that a Statement of Licensing Policy be produced every five years and that the draft Statement is the subject of consultation with prescribed bodies and individuals.



### 6.3. Equalities Implications

An EIA has been completed in Appendix C.

### 6.4. Section 17 of the Crime and Disorder Act 1998 Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Policy supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

### 6.5. Biodiversity Net Gain Implications

There are no biodiversity net gain implications in this report.

## 7. Link to Corporate Priorities

Quality of Life	Ensuring the health and safety of residents and supporting the reduction of crime and disorder
Efficient Services	There are no links to this priority in this report
Sustainable Growth	There are no links to this priority in this report
The Environment	There are no links to this priority in this report

## 8. Recommendation

It is RECOMMENDED that the Statement of Licensing Policy be endorsed and sent to Full Council for final approval.

<b>For more information contact:</b>	Geoff Carpenter Service Manager Public Protection Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	Report to Full Council 6 December 2018 'Statement of Licensing Policy'
<b>List of appendices:</b>	Appendix A: Draft Statement of Licensing Principles 2024-2029 Appendix: B: List of changes following consultation Appendix: C- EIA Appendix: D- Consultation response from Director of Public Health

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Rushcliffe  
Borough Council

# Rushcliffe Borough Council



## STATEMENT OF LICENSING POLICY

Effective from 7 January 2024



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## 1. INTRODUCTION

- 1.1. Rushcliffe Borough Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. The Statement of Licensing Policy can be reviewed and revised by the Authority at any time.
- 1.2. Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends towards Newark in the North East and Loughborough in the South West. The Borough is a pleasant, prosperous district, characterised by attractive villages, tree-lined suburbs, rich farmland and rolling countryside. The prosperity of Rushcliffe is closely linked to the wider economy of the Greater Nottingham area. This is recognised through good working relationships with all Nottinghamshire Councils, the County, City and Districts, and at regional level. For more information about Rushcliffe go to [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)
- 1.3. The Authority has licensed certain public spaces within the community in its own name including suitable Authority owned community centres, and many existing public open spaces. In this instance performers and entertainers would not need to obtain a licence or give a Temporary Event Notice themselves to enable a performance to be given in such places but would require the permission of the appropriate Department of the Authority as the licence holder. They would also need to adhere to any conditions relating to the use of such premises.

Without being exhaustive, in considering any licence application the Authority will take into account the following factors, the positive impact of the proposal in attracting visitors, the positive impact on enhancing the attractiveness of the wider area, and the number and type of jobs created.

- 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 that arise from licensable activities.

This will be achieved by:-

- Establishing and building upon best practice within the industry;

- Recognising and facilitating the role of partners and stakeholders;
  - Encouraging self-regulation by licensees and managers;
  - Providing a clear basis for the determination of licence applications; and
  - Supporting related policies and strategies of the District Council.
  - An inspection and enforcement regime targeted at premises that present a high risk.
- 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 should not be regarded or interpreted as indicating 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.
- 1.8. There are certain matters which the Authority is prevented from taking into account or from dealing with in a specified way. For example, the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand, the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority. Cumulative impact and related matters are dealt with in Section 7 of this Policy Statement.
- 1.9. 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, any 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 AND 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: <https://www.gov.uk/alcohol-licensing>
- 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 and conditions attached to various Authorisations will be focused on matters which are within the control of the individual licence holder and others.
- 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
- 2.5. 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 activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to the Licensing regime. 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. Deregulation initiatives have added further activities from those that are exempt from the licensing regime, particularly where it relates to entertainment taking place between 8am and 11pm 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. Each activity is determined on its own circumstances and arrangements.

- 2.6. 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, other persons or businesses, 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. Conditions 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 Service.

### 3. HOW THIS STATEMENT OF POLICY WORKS

3.1. The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications;
- provide a clear framework for licensing strategies, including the effect known as 'cumulative impact';
- support wider strategies and policies of the Council.

3.2. The text of this Statement of Policy **in bold type** indicates the **Policies** with the reason for each policy shown immediately after ***in bold italics***.

3.3. This 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 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.

3.4. In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.6 above. As a general rule the Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

### 4. STRATEGIC LINKS AND OTHER REGULATORY REGIMES

4.1. There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Examples of these strategies can be found in the Section 182 guidance produced by the Home Office <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>. The Authority will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Licensing

Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.

- 4.2. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest e.g., disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action.

However, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

- 4.3. The four statutory licensing objectives aim to reduce crime and disorder and increase public safety. Licensing policies are not currently required to address Public Health concerns; however, there is strong evidence that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related mortality. Alcohol contributes to more than 60 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.
- 4.4. Whilst the exact relationship between alcohol and ill-health is often complex and affected by other factors such as the socio-economic make-up of the neighbourhood, studies have found that local authorities' greater use of licensing powers leads to reductions in alcohol-related hospital admissions in England (Institute of Alcohol Studies, 2017). In light of this, public health indicators both at District level from the Local Alcohol Profiles for England and at sub-district level have been reviewed.
- 4.5. Across Rushcliffe, public health analysts have mapped a number of alcohol

related measures that are considered to have a negative impact on health and well-being to show how alcohol-related harms vary across Nottinghamshire County Districts and Boroughs.

4.6. Measures used were selected for their relevance to licensing and public health and their availability at sub-district level and include:

- alcohol-related hospital admissions
- anti-social behaviour
- crimes against the person including domestic violence
- rate of persons in treatment for substance use
- an estimate of the percentage of the population drinking at least once a day and
- deprivation.

4.7. These measures have been used to create a matrix which ranks small area within Rushcliffe in relation to overall levels of harm associated with alcohol. The matrix can be used to support responsible Authorities to make representations where required based on the rank, and therefore the levels of overall harm, for the area in which a licensing application has been made.

4.8. This data analysis has identified some areas with relatively higher levels of harm and for Rushcliffe these are:

- Parts of East Bridgford (near East Bridgford)
- Part of East Bingham (near centre)
- Part of Radcliffe on Trent (near centre)
- Gamston North
- Cotgrave
- Parts of Trent Bridge, Lutterell, Gamston South and Edwalton
- Part of Ruddington (south)
- Gotham

4.9. Applications within these areas or surrounding areas should be aware of, and consider, their contribution to the burden of alcohol-related harms to the health and wellbeing within the community. All applicants are encouraged to provide details of any mitigating measures they plan to put in place to reduce alcohol-related harms within their application. Further information can be found at: <https://nottinghamshireinsight.org.uk/d/aAXSv0F>.

## **5. DELIVERING LICENSING SERVICES**

- 5.1. The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the Rushcliffe Borough Council website, at [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) or by contacting the Authority direct.
- 5.2. The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. 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.

Details of Responsible Authorities can be found on the Council's website at <https://www.rushcliffe.gov.uk/media/s12nwlmj/list-of-responsible-authorities-2023.doc>

- 5.3. Responsible Authorities are public bodies which must be fully notified of licence application and are entitled to:
- Make relevant representations
  - Request reviews
  - Make representations with regard to cumulative impacts
- 5.4. Details of Responsible Authorities can be found on the Council's website following the link for licensing or by contacting the Councils Licensing Team directly.

## **6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION**

- 6.1. The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid. To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the Licensing Authority. Applicants are encouraged to seek advice from the Licensing Authority and Responsible Authorities before submitting an application. Failure to comply with the

statutory requirements may result in an application or notice being invalid/rejected.

- 6.2. The process of applying for new premises licences and full variations of current premises licences are dealt within the same way and involve serving the application on all responsible Authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises. Substantial changes to premises should be dealt with by way of a new application.
- 6.3. The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence.

These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. 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 resort to the full variation process.

- 6.4. All applicants are encouraged to use the gov.uk site to submit online applications or if available the Councils own online applications process.

### **Representations**

- 6.5. Where the Licensing Authority receives an application for a new licence or a variation to an existing licence, the Responsible Authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative. Guidance on making a representation is available from the Home Office and a preferred form is available on the Council's Liquor Licensing web page for individuals or groups to make their representations.
- 6.6. Submissions of representations made via e-mail will be accepted so long as there is a clear indication of who has submitted the representation, it is clear and legible and details of how that person or group can be contacted.
- 6.7. For a representation to be relevant it should be positively tied or linked by a

causal connection to particular premises. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

- 6.8. Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.
- 6.9. Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection. 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.
- 6.10. It is for the Licensing Authority to determine whether any representation by an interested party is, on its own merits, vexatious or frivolous. The Authority will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.
- 6.11. Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant Authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the "vicinity" will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned.



## **Responsible Authorities**

- 6.12. Although the licensing Authority is a Responsible Authority in its own right, it expects other parties such as local residents, Councillors or community groups to make representations in their own right when they are reasonably able to do so rather than rely on the licensing Authority to make representations for them.
- 6.13. The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not a licensing objective, but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that Public Health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data which has been used to create a matrix to highlight areas within districts and boroughs with relatively higher levels of alcohol-related harm. This matrix can be used by other responsible authorities to inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

## **Panel/Sub Committee Hearings**

- 6.14. 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 Sub-Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.
- 6.15. The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry, 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.

## **Entitlement To Work In The UK**

- 6.16. All individual applicants applying for a "Premises Licence", or a "Personal Licence" with this Licensing Authority must submit further documentation to demonstrate their entitlement to live and work in the United Kingdom (UK).

6.17. A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the entitlement to live and work in the UK;
- is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity;

Any licence issued in respect of an application made on or after 6th April 2017, will become invalid if the holder ceases to be entitled to work in the UK.

6.18. Applicants must demonstrate that they have the entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways:

- a) by providing, with this application, copies or scanned copies of the documents\* which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance
- b) by providing their nine (9) digit 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see below)

\*Applicants are required to submit one (1) of the documents listed at Annex A of the Home Office's Employer right to work checks supporting guidance published on: [Right to work checks: an employer's guide \(GOV.UK\)](#) to show they have permission to be in the UK and are permitted to undertake work in a licensable activity.

### **Home Office online right to work checking service**

6.19. To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in their application a nine (9) digit share code (provided to them upon accessing the service at [Prove your right to work to an employer: get a share code \(GOV.UK\)](#)) which, along with the applicant's date of birth, will allow the Licensing Authority to carry out the check.

## **7. LICENSING POLICIES**

### **Policy 1**

**The Authority expects to see evidence of the effective and responsible**

**management of the licensed premises, such as examples of 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.***

- 7.1. 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 area.
- 7.2. 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 occur once patrons leave the licensed premises. Regard will be made to the Section 182 Guidance in this respect and the following may be employed: to address such behaviour and the potential for cumulative impact
- 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.
  - Community Protection Notices
  - 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
  - Police 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 or temporary events 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 a local resident

or business to seek a review of the licence or certificate in question.

- Early Morning Alcohol Restriction Orders (EMROs)
- Any other local initiatives that similarly address these problems.

## **Policy 2**

**When preparing or considering applications, applicants, responsible Authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, and proportionality of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:**

- (a) The nature of the area within which the premises are situated.**
- (b) The precise nature, type, and frequency of the proposed activities.**
- (c) Any measures proposed by the applicant in the Operating Schedule.**
- (d) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.**
- (e) Means of access to and exit from the premises.**
- (f) Noise from the premises or people visiting the premises**
- (g) The potential cumulative impact (see below).**
- (h) Other means and resources available to mitigate any impact.**
- (i) 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.***

7.3. The Authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:

- Knowledge of best practice
- That they understand the legal requirements of operating a licensed business
- Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003

7.4. The operating schedule must include all of the information necessary to

enable both the Licensing and Responsible Authorities as well as members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.

- 7.5. The Authority will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms.
- 7.6. Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g., smoking or moving from one part of the premises to another) must be recognised and mitigated against.
- 7.7. 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 anytime when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours.
- 7.8. 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.
- 7.9. 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.

- 7.10. The Authority is mindful of the responsibilities that licence holders have for preventing anti-social behaviour on and within the vicinity of their premises. 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.
- 7.11. Applicants are expected to have carried out the relevant assessments under other legislation (e.g., fire precautions, health and safety at work, etc) prior to submitting their applications. These 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 Responsible Authorities but could include the matters listed below where appropriate.
- 7.12. The Council recognises that drug use by people in a 'club' or 'bar' environment is not something that applies to all licensed premises. The Council will expect licensees to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises, to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises and work collaboratively with the Police to deal with any such issues.
- 7.13. Licensees should also consider what action will be taken to prevent the spiking of drinks at the premises, i.e. where drugs or alcohol are added to someone's drink without them knowing. Alcohol is the common substance used to spike drinks. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.
- The use of toilet attendants or regular documented toilet checks and Searches of the premises
  - Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and new psychoactive substances
  - Physical measures to deter drug use on the premises.
  - Make customers aware of the risk of drink-spiking.
  - Train staff in drug awareness issues and ensure sufficient staffing and managerial support to make identification and handling of incidents

practicable.

- Ask for Angela' - this initiative advises customers through posters in venue toilets that, if they 'ask for Angela' at the bar, staff will be alerted to the fact that the person feels unsafe or threatened. Staff will know that the individual needs support to leave their situation, and can call them a taxi, escort them to their car or call the police, for example.

7.14. Examples of recommended management practice to minimise Crime and Disorder:

- Use of CCTV both within and outside the premises.
- Metal detection and search facilities.
- Procedures for risk assessing promotions and events such as "happy hours" and plans for minimising such risk.
- Measures to prevent the use or supply of illegal drugs.
- Employment of licensed door supervisors and other appropriately trained staff.
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure and social drinking environment e.g., bar tariffs (for all bar price lists to carry a guide of how many units of alcohol each individual drink contains) and recommendations that all licensees, managers or supervisors attend regular Pub Watch meetings or send a representative if they cannot attend.
- The licensee providing a taxi call point, waiting and concierge service for the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g., playing quieter music and promoting non-alcoholic drinks towards the end of the event, ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.

7.15. Examples of recommended management practice to ensure public safety:

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

7.16. Examples of recommended management practice for the protection of

children:

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.

#### 7.17. Supply of Alcohol (Off Sales)

- The display of prominent warning notices about the supply of alcohol to minors;
- Knowledge of the offences which adults can commit by buying alcohol for minors;
- The requirements for production of satisfactory proof of age;
- a commitment to the promotion of age verification schemes (i.e., Challenge 21 /Challenge 25).
- Whether any high strength beers, lagers, ciders, etc will be made available for sale.

#### 7.18. Examples of recommended management practice for preventing nuisance:

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



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

7.19. In some cases, it may be helpful for applicants and/or their advisors to discuss their draft Operating Schedule with 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.

7.20. In order to provide a consistent and clear approach, when considering the addition of conditions to a licence the Licensing Authority will where possible use a condition from a 'pool of potential conditions' that has been agreed by all the Licensing Authorities in Nottinghamshire. Other Responsible Authorities will be encouraged to do likewise.

7.21. Any condition attached to a licence or certificate should be:

- Clear
- Enforceable
- Evidenced
- Proportionate
- Relevant
- Be expressed in plain language capable of being understood by those
- Expected to comply with them.

7.22. As a general rule, the Licensing 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.

### **Outside Areas**

7.23. The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and

disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with.

- 7.24. Although consumption of alcohol is not a licensable activity, if the plan does not show outside areas such as beer gardens or similar, then any premises licence authorising the sale of alcohol on the premises only would not authorise the use of such areas.

### **Large Scale Events**

- 7.25. Existing licensed premises which intend to run one-off large-scale events (and particularly dance events) are encouraged to consult with the Responsible Authorities and the Safety Advisory Group well in advance of the event taking place, to ensure that the event does not undermine the licensing objectives.

### **Counter Terrorism**

- 7.26. The licensing authority expects that:
- The venue has robust procedures and relevant training in place and staff are knowledgeable of those procedures to be taken and the necessity of following them in the event of a terrorist incident, such as firearms or weapons attack, including:
    - Evacuation/Invacuation/Lockdown
    - RUN/HIDE/TELL principles
    - How customers will be safeguarded.
  - Steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of:
    - the current terrorist threat level
    - what that level means in relation to the possibility of an attack.
    - Have undertaken the Action Counters Terrorism (ACT) eLearning course within the last 12 months. See note below.

- Risk assessments for public entertainment venues include consideration of the risk of a terrorist attack and the different types of attack. .
- Staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them.
- All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly to the police so that investigations can be made, and action taken, if appropriate.
- Measures to alert staff and visitors of any immediate threat or incident.

### **Action Counters Terrorism (ACT) training**

Further details, updates and to register for the ACT e-learning training course please visit: <https://www.protectuk.police.uk/>

### **Cumulative Impact**

- 7.27. This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 7.28. Cumulative Impact Assessments (CIA’s) were introduced in the Licensing Act 2003 by the Policing and Crime Act 2017.
- 7.29. The absence of a special policy does not prevent any Responsible Authority or interested party making representations on a new application for the grant 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.
- 7.30. The Authority following consultation with the appropriate bodies/persons do **not consider** there to be any parts of its area where a particular concentration of licensed premises is considered to be already causing a cumulative impact on one or more of the Licensing objectives.

### **Public Space Protection Orders**

- 7.31. This Authority supports the use of public space protection orders as a tool to prevent alcohol related crime and disorder in the streets. The Authority

expects premises that operate in areas where there are PSPO's implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.

### **Closure Notices**

- 7.32. 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.
- 7.33. 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.
- 7.34. Further power to close premises are contained in Anti-Social Behaviour Crime and Policing Act 2014. Closure Notices can be issued if the use of the premises has, or is likely to result in, nuisance and disorder. Under a Closure Notice a premises can be closed for up to 48 hours. A subsequent application can then be made to Magistrates Court for a Closure Order if there is evidence that there is serious nuisance to members of the public or there is disorderly, offensive or criminal behaviour on, or likely to be on, the premises. A Closure Order can be made for up to 3 months and a subsequent application can extend for up to a further 3 months.

### **Encouraging diversity**

- 7.35. The Licensing Authority recognises that creating a vibrant night-time economy is important. Key to this is ensuring that the area appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.

Applications for premises whose predominant offer is "vertical drinking" that is to say standing only are not encouraged, but if applications are made for such

premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.

### **Provisional Statements**

- 7.36. Where it is proposed to build or alter premises which may require a premises licence then the Licensing Act permits an application for a Provisional Statement. This application is dealt with in the same way as an ordinary application but does not result in the issue of a premises licence. That is applied for when the premises are complete.
- 7.37. Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded.

### **Adult Entertainment**

- 7.38. 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 application 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.
- 7.39. The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. The new licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. Rushcliffe Borough Council has however adopted those provisions.
- 7.40. Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act.

- 7.41. Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.
- 7.42. The provision of adult entertainment on premises may 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 the premises licence or club premises certificate the Authority expects applicants 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.
- 7.43. 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.

### **Licence Suspensions**

- 7.44. 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.
- 7.45. 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.

### **Reviews and Expedited Reviews**

- 7.46. At any stage following the grant of a premises licence or club premises certificate a Responsible Authority or any person, 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.

- 7.47. Where a review Hearing is held the Licensing Authority has a variety of options that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g., the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.
- 7.48. Where a licensed premises appears to be associated with serious crime, serious disorder or both, the Police can apply for a 'summary', or 'expedited', review of the premises licence.

### **Early Morning Restrictions Orders (EMROs)**

- 7.49. The legislation gives licensing Authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing Authority area and if relevant on specific days and at specific times. The licensing Authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 7.50. The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 7.51. The decision to implement an EMRO should be evidence based and may include consideration of the potential burden imposed as well as the potential benefits.

### **Alcohol Delivery Services**

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

- That the person they are selling alcohol to is over the age of 18;
- That alcohol is only delivered to a person over the age of 18;
- There is a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
- A refusals log will be maintained for deliveries and available for inspection on request.
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- Operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk, and, in such instances, alcohol should be refused, and that refusal recorded.

### **Pavement Licences**

- 7.53. A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. It is important to note the grant of a pavement licence only permits the placing of furniture on the highway.
- 7.54. A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses. It is important that any pavement licence granted promotes the four licensing objectives.
- 7.55. For further information on pavement licences please use the link below:

[Rushcliffe - Pavement Licence](https://www.rushcliffe.gov.uk/environmental-health/licensing/alcohol-entertainment-and-food-licences/pavement-licence/) (https://www.rushcliffe.gov.uk/environmental-health/licensing/alcohol-entertainment-and-food-licences/pavement-licence/)



## **Personal Licences**

- 7.56. 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 required 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.

### **Policy 3**

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

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

**In consideration of an objection notice the Authority may reject the application/revoke the licence if it considers it appropriate to do so in order to promote of the crime prevention objective.**

**In consideration of an immigration objection notice the Authority may reject the application/revoke the licence if it considers 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 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.***

- 7.57. Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.
- 7.58. 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 six 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 holder's personal circumstances)
- 7.59. 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 the process**, although the Authority may invite the licence holder to make a personal representation. Licence holders (and the police) will be notified of the Authority's decision in writing along with their right of appeal

### **Temporary Event Notices**

- 7.60. 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 takes place and this does not include the day it is given or the day of the event, and a late TEN is served not before nine and not less than five working days before the event to which it relates.

- 7.61. 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
- 7.62. 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 when the TEN is served electronically/digitally.
- 7.63. Further information regarding Temporary Event Notice's is contained on the Councils web pages at [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

## **8. SAFEGUARDING AND CHILDREN**

- 8.1. Rushcliffe Borough 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.

The Licensing Authority in partnership with the Police, the Nottinghamshire Safeguarding Board, and local Community Safety Partnerships works closely with licensed premises in order to 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 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 Nottinghamshire region.

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.'

Re: Supply of Alcohol (Off-Sales)

- (a) The display of prominent warning notices about the supply of alcohol to minors;
- (b) Knowledge of the offences which adults can commit by buying alcohol for minors;
- (c) The requirements for production of satisfactory proof of age;
- (d) A commitment to the promotion of age verification schemes (i.e., Challenge 21 / Challenge 25).
- (e) Whether any high strength beers, lagers, ciders, etc will be made available for sale.'
- (f) Recording the refusal of sale of age related products

8.2. Examples which may give rise to concerns in respect of children include those:

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

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

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

8.5. Employers have a duty of care for employees and should adopt a risk-based

assessment approach to ensuring the safety of all staff working late or unsocial hours to facilitate a safe and affordable journey home

Public Safety is of paramount importance for the licensing authority and a safe night is a priority. The authority supports a number of initiatives in the to improve safety in the night-time economy.

- Vulnerability training for staff working in the night-time economy
- Ask for Angela <https://askforangela.co.uk/>
- Street Pastors <https://www.streetpastors.org/>
- Best Bar None <https://bestbarnone.com/>
- Pubwatch <https://www.nationalpubwatch.org.uk/>
- Nights of action

- 8.6. Violence against women and girls' covers a range of unacceptable and deeply distressing crimes, including rape and other sexual offences, stalking, domestic abuse, 'honour'-based abuse (including female genital mutilation, forced marriage and 'honour' killings), 'revenge porn' and 'up-skirting', as well as many others. These crimes disproportionately affect women and girls.

The licensing authority supports the Nottinghamshire Police and Crime Commissioners Violence Against Women and Girls Strategy <https://www.nottinghamshire.pcc.police.uk/Public-Information/Publications-and-Leaflets.aspx> and positively promotes and supports initiatives driven by this agenda.

- 8.7. It is recommended that all alcohol licensed premises follow the Portman Group Code of Practice, in particular that relating to particular appeal to under-18s [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

#### **Policy 4**

**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:**

- (a) Limitations on the hours when children may be present.**
- (b) Age limitations for persons under 18.**
- (c) Limitations or exclusion when certain activities are taking place.**
- (d) Full exclusion of persons under 18 when certain licensable**

**activities are taking place.**

**(e) Limitations of access to certain parts of the premises for persons under 18.**

**(f) A requirement for adults to be present.**

***REASON: To protect children from harm.***

8.8. Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

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

#### **Age verification policies**

8.9. It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

## **9. EQUALITY AND DIVERSITY**

- 9.1. Rushcliffe Borough Council is committed to promoting equality and diversity. The Equality Act 2010 imposes statutory duties on the Council and our Corporate Equality Scheme demonstrates how we are meeting them and our commitment to ensuring that diversity issues are at the heart of our policy making and our service delivery. All Council policies are subject to Equalities Impact Assessments.
- 9.2. Advice and guidance will be made available in English which is the most common language of customers and stakeholders. On request the Council will signpost customers to providers of guidance and information relating to translation services.

## **10. GENERAL ENFORCEMENT STATEMENT**

- 10.1. All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance and the enforcement policy of the Council.
- 10.2. The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.
- 10.3. Any enforcement action will be considered based on all relevant circumstances.

## **11. MONITORING AND REVIEW OF THIS STATEMENT OF POLICY**

- 11.1. This Statement of Policy will be reviewed within legislative timescales and as and when appropriate. In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.

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## Amendments to the Licensing Policy for 2024: Summary

The policy has been discussed by Licencing Officers and other attendees to the NALG. The wording has been drafted to enable a consistent regional view of policy.

Changes log	Context and reason	comment
Pages numbering and some indexing changed throughout	Necessary due to changes	
Para 4.2 -4.9 amended; These paragraphs relate to the Public Health as a statutory consultee and their role. The PH has requested a specific wording to be inserted. See consultee response.	Requested by PH to support them and other statutory consultees in certain areas of the Borough.	See supporting statement. Decisions needs to be made around the wording of Paragraph 4.8.
5.3-5.4	Defines responsible authority more clearly. Inserts 5.3 rennumbers existing to 5.4	
6.2 insertion	Relates to substantial variation. In certain circumstances a new application is required	Confirms this requirement of substantial variation. See para 8.77 of section 182
6.4	Includes reference to online forms being implement in 2023/2024 by RBC	New applications route available in 2023/24
6.13	Includes reference to a health matrix developed by PH to help inform licensing decisions.	
Subsequent paragraphs are renumbered due to insertions/deletions		
6.16-6.19	Includes the 'Entitlement to work in the UK' into the policy	Legal requirements now exist which should be referenced in the policy
7.2	Insert reference to Community Protection Notices as a mechanism for ASB	A common legal option missing from the previous policy

7.12-7.13	Updates around drugs and spiking of drinks	In response to recent concerns in particular around spiking of drinks.
7.20	Rewording to existing para 6.33 in relation of 'pool of conditions' These are not on the council's website.	The conditions are for reference and consistency where appropriate. But if a condition is to be applied it should be specific to the site not implied by publication that it/they will be limited to the list.
7.26	New requirements with regards to counter terrorism.	New legal duty to consider in certain circumstances. Government policy is still developing.
7.27-7.28 Existing 6.39 Narrative on Cumulative impact removed	The council does not have a cumulative impact area. The wording is simplified as a result.	
7.31 minor amend	Minor amend to references PSPO's	
7.32-34 Closure Notices	Inclusion of powers of closure notices in specific circumstances	
Existing 6.44 Policy 3 Rebuttable presumption removed in a saturation zone.	This has been removed from the section 182 guidance	as such is recommended to remove
Existing Policy 4 regarding Cumulative impact removed	The council does not have a cumulative impact area or policy.	
7.45 & 7.48 Title change and reference to Expedited reviews	To reference 'expedited reviews'	
7.52 inclusion of Alcohol delivery services	Specific controls over these services now included	To address areas of possible underage access to alcohol via delivery service

7.53- 7.55 Pavement licences	These are now with Licensing Authorities and are therefore required to be included in the policy	
Renumbering of existing policies due to deletion	No changes to wording	
Chapter 8 retitled	To Safeguarding and Children	
8.5-8.7 safeguarding in relation to Women and Girls	Response to specific behaviours in pubs/clubs	
Renumbering of policy due to deletion	No changes to wording	

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## EQUALITY IMPACT ASSESSMENT FORM: Statement of Licensing Policy renewal

Name and brief description of proposal/project / policy / service being assessed:

*Click once and type. Briefly summarise the service or proposal including key aims and any relevant context' note timescales for any planned changes' use plain language; refer to other document(s) if needed.*

Rushcliffe Borough Council is the 'Licensing Authority' for all licensable activities within the borough. The licensable activities are:

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The council carries out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:

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

Under Section 5 of the Licensing Act the council is required to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period. The policy is being updated and renewed and this EIA assesses the impact of the proposed policy.

The aims of the Statement Of Licensing Policy are:

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 that arise from licensable activities. This will be achieved by:-

- Establishing and building upon best practice within the industry;
- Recognising and facilitating the role of partners and stakeholders;
- Encouraging self-regulation by licensees and managers;
- Providing a clear basis for the determination of licence applications; and
- Supporting related policies and strategies of the District Council.
- An inspection and enforcement regime targeted at premises that present a high risk.

Information used to analyse the effects of equality:

*Click once and type. Note any relevant consultation and who took part; refer to or attach other document(s) if needed*

The Statement Of Licensing Policy is reviewed and widely consulted upon every 5 years. This is a statutory function of the Licensing Authority. Consultees are identified in the Licensing Act 2003 and the consultation process includes a number of other interest parties. The policy has been consulted with the following:

- Nottinghamshire Police
- Nottinghamshire Fire Service
- Environmental Health
- Nottinghamshire Trading Standards
- The Planning Authority
- Public Health Board
- The consultation is published on the Councils consultation pages
- Persons considered to be representatives of:
  - Existing premises licence holders
  - Existing club premises certificate holders
  - Existing personal license holders
  - Ward Members and Parish Councils

No consultee has responded concerning possible equality impacts.

	<b>Could particularly benefit (X)</b>	<b>May adversely impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Details of actions to reduce negative or increase positive impact (or why action not possible)</b>
People from different ethnic groups	<b>x</b>	<b>not applicable</b>	No adverse impact has been identified. Policy will provide protection to all ethnic groups	<b>not applicable</b>
Men, women (including maternity/pregnancy impact), transgender people	<b>x</b>	<b>not applicable</b>	No adverse impact has been identified. Policy will provide protection to all groups	<b>not applicable</b>
Disabled people or carers	<b>X</b>	<b>not applicable</b>	No adverse impact has been identified. Businesses have a duty under national legislation to make reasonable adjustments for people with disabilities. The policy supports this and as such provides a particular benefit to this group.	The policy states that recommended management practice is to have “reasonable facilities, access and egress for people with disabilities”. Should there be any reported incidents or issues, the licensing team will liaise with planning to assist in resolving matters.
People from different faith groups	<b>not applicable</b>	<b>not applicable</b>	No adverse impact has been identified.	<b>not applicable</b>
Lesbian, gay or bisexual	<b>Not applicable</b>	<b>not applicable</b>	No adverse impact has been identified.	<b>not applicable</b>
Older or younger people	<b>Not applicable</b>	<b>X</b>	There are legal restrictions on the serving or supplying Alcohol to those that are under the legal age. One of the licensing objectives is the protection of children from harm. As such persons that are above the legal age but appearing younger <b>may not</b> be served without proof of age.	It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application. Such schemes will ensure legal compliance and those above the legal age are not adversely affected.

Other (marriage/civil partnership. Looked after children, cohesion/good relations, vulnerable children/adults)	X	<b>not applicable</b>	No adverse impact has been identified. However public safety is a licensing objective. 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. As such this policy provides a particular benefit to this group.	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
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**OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT:** *(delete as appropriate)*


No major change need    ~~Adjust policy/proposal/project~~    ~~Adverse impact but continue~~    ~~Stop/remove project/policy/proposal~~

**Arrangements for future monitoring of equality impact of this policy/proposal/project:**  
*Note when assessment will be reviewed (e.g. review assessment in 6 months or annual review).*

**At the next 5-year review**

**Names of officers who conducted EIA and date**

Mr Martin Hickey Principal Officer, Community Safety & Licensing

**Approved by:**  **Date: 25/9/2023**  
*(manager signature)*



Rushcliffe Borough Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
NOTTINGHAM  
NG2 7YG

06 October 2023

To Whom it May Concern,

**RE: Supporting statement for amendments to Statement of Licensing Policy**

We are writing to you regarding the recent changes we have proposed to the Statement of Licensing Policy, which is due to be renewed in January 2024.

Whilst we understand that Public Health is not a licensing objective in its own right, the department, on behalf of the Director of Public Health (DPH), is keen to exercise the position of the DPH as a responsible authority. There are intrinsic links between the licensing objectives and Public Health, which centre around improving the wellbeing and quality of life of residents across Nottinghamshire.

The proposed changes to the Statement of Licensing Policy in relation to Public Health are few. We recognise the unique position of Public Health in relation to the variety of data we have available and the analytical capabilities within the department. We are currently capitalising on this position to create a matrix which will encompass a range of data relating to health harms of alcohol and data relating to the four licensing objectives. The intention is that the matrix will be used by Public Health and will be available to other responsible authorities to support representations in relation to alcohol licensing applications. It may be perceived as unfair for this matrix to be in operation and be used to make representations without making applicants aware of its existence and purpose. As a result, it is proposed that information about the matrix is included in the Statement of Licensing Policy.

To enable those writing an application for a license within the areas with highest alcohol-related harms to consider and outline mitigating measures, we feel it is important for these areas to be highlighted in the Statement of Licensing Policy. As the matrix is not yet fully operational, the areas with higher harms have been taken from [previous work undertaken in 2018](#). We propose for the list to be included as it is presented within this work to support more accurate targeting of mitigating measures.

We thank the Licensing Team for their invitation and support in relation to the inclusion of Public Health in the Statement of Licensing Policy and would be happy to address any concerns around the proposed changes.

Yours faithfully

Yaroslava Hnylycia  
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