



## REDDITCH BOROUGH COUNCIL

### LICENSING ACT 2003 - Statement of Licensing Policy

#### INTRODUCTION

The Borough of Redditch consists of 2 distinct areas:-

- An essentially urban area, which includes a vibrant and thriving town centre and smaller centres within local districts; and
- An essentially rural area, which includes the villages of Astwood Bank, Feckenham, Elcocks Brook and Ham Green.

Redditch Borough Council's Licensing Policy accords with our vision of 'Making a Difference' (Corporate & Performance Plan 2007-2010).

Our Statement of Policy is intended to provide information and guidance to applicants, responsible authorities and interested parties on the general approach that we will take to licensing. Specific details are provided by way of advice sheets, available from our web site or sent on request.

#### LICENSING POLICY STATEMENT

As a Licensing Authority, we have based this Policy on the requirements of the Licensing Act 2003 and statutory guidance from the Department of Culture, Media and Sport (DCMS).

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

The Council will develop additional powers and procedures, for areas of the Borough it deems necessary, to ensure a safe vibrant and mixed night time economy.

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

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

- ***The steps that are necessary to promote the licensing objectives;***
- ***The representations (including supporting information) presented by all the parties;***
- ***The Secretary of State's formal guidance to the Act ;***
- ***This statement of Licensing Policy.***

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

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

### Decision Making Process

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

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

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

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

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

### Integrating Strategies

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

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

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

### Live music, dancing and theatre

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

When a solution is not agreed at a hearing and we impose conditions on a licence, those conditions will be appropriate and we will try to avoid indirect costs which may deter live music, dancing or theatre. This policy will be reviewed if we obtain evidence that licensing requirements are deterring broader cultural activities and entertainment.

### Promotion of Equality.

This Statement of Policy recognises the Licensing Authority's obligations under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups, and other "equalities" obligations under relevant statutory enactments.

This policy is also intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the disability discrimination act.
- Working to eliminate unlawful discrimination.
- Promoting equal opportunities.
- Promoting community cohesion, including good relations between people from different racial groups.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This policy will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group. Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

## Conditions

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

If there are relevant representations, we will only impose conditions to promote the licensing objectives. We will use conditions issued in guidance by DCMS and we reserve the right to impose unique conditions when necessary.

Where any licence conditions are applied, we will tailor them to suit the particular premises. Those conditions will have regard to local crime prevention strategies and will only relate to matters that the licence holder can control. They will focus on the premises being used for licensable activities and the immediate vicinity of those premises.

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

- duties imposed by health and safety or fire safety law, and
- the requirement to obtain approval under Town And Country Planning Law for development or use of land.

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

## Licensing Hours

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

We will not generally restrict times when shops, stores or supermarkets can sell alcohol for consumption off the premises. But we may do so if the Police consider individual premises to be a focus of disorder and disturbance.

## Protection of Children

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

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

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

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

Options that we will consider may include:

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

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

### Guidance to Applicants

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

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

### Separation of licensing, building control and planning functions

We will make sure that there is a proper separation of licensing, building control and planning functions. The Licensing Committee will report to the Committee dealing with planning matters where appropriate, to outline the situation relating to licensed premises in its area, including the general impact of alcohol related crime and disorder.

## Issue of Licences

The Licensing Committee is responsible for making licensing decisions. This power is delegated to its Sub-Committees and Officers as detailed in the formal Guidance to the Licensing Act 2003 and any subsequent Regulations issued.

The current Scheme of Delegation will be available from the Licensing Team.

## Enforcement

We will establish protocols with the Police Authority and enforcing authorities, for the enforcement of the Licensing Act 2003 in licensed premises.

We will target inspection and enforcement at problem premises and higher risk activities.

We will act in line with our Enforcement Policy, which provides that we will follow the principles of consistency, transparency and proportionality.

## Contact Details / Advice and Guidance

Records on licensing matters will be kept by the Council's General Licensing Team and will be available for viewing by appointment during normal office hours.

The Licensing Authority, Police and Fire Safety Officer will be willing to give advice and guidance to applicants.

Please refer your enquiries to any of the following Officers:-

Licensing Manager  
Licensing Team  
Redditch Borough Council  
Town Hall  
Walter Stranz Square  
REDDITCH  
B98 8AH

Tel: 01527 534100

Police Licensing Officer  
Bromsgrove Police Station  
17 The Crescent  
BROMSGROVE  
B60 2DF

01527 586221

Fire Safety Officer  
Hereford & Worcester  
Combined Fire Authority  
Amphlett Court,  
Windsor Street  
BROMSGROVE  
B60 2BN

01527 576633

Further information about the licensing and application process, including copies of this Licensing Policy Statement, Model Pool of Conditions, application forms and information on how to make comments, either on this document or on individual applications, can be obtained from the Licensing Team at the address shown above or on the Council's Website at [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk).

## Delegation of Licensing Functions

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Coordination / overview	At all times		
Application for personal licence		If Police objection made	If no Police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for provisional statement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If Police objection made	All other cases
Applications for Interim Authorities		If Police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	

Determination of a temporary event notice where a Police representation is made.		All cases	
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