

LICENSING STATEMENT OF POLICY LICENSING ACT 2003

Draft Document for Consultation

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL LICENSING POLICY

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

ROTHERHAM LICENSING COMMITTEE

1. **Preamble**

- 1.1 With a population of around 248,000 people, Rotherham Borough is made up of a diverse and vibrant mix of people, cultures and communities.
- 1.2 The majority of Rotherham (75%) is rural in nature, and the Borough benefits from a wealth of natural and built environments. One of its greatest strength's lies in its central location, with direct access to the M1, M18 and A1, the two universities in Sheffield and excellent rail access via Doncaster and Sheffield.
- 1.3 Rotherham is also home to some of the countries most highly regarded leisure and nightlife providers and is a popular destination for the provision of food, drink, cultural activities and entertainment. The Council recognises that licensed premises in the district are a major contributor to employment and in attracting visitors, making Rotherham a vibrant town and community.
- 1.4 Part of our aim is to make the town a pleasant, safe and prosperous place in which to live, work, learn and relax.
- 1.5 The Rotherham Metropolitan Borough Council has carried out a comprehensive consultation process prior to and during the writing of its Licensing Policy Document. This process will continue in accordance with the Act.
- 1.6 This document sets out Rotherham's Licensing Policy, which will guide the Licensing Committee when considering applications for the sale of alcohol, regulated entertainment, late night refreshment, cinematographic and theatrical performances.
- 1.7 This document should be read in conjunction with the Council's Licensing Guidance Notes.
- 1.8 The aim of the policy is to promote the four licensing objectives set out in the Licensing Act 2003, namely:-
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm

- 1.9 The licensing authority wish to promote the above whilst still encouraging a sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well run entertainment and leisure facilities to the town.
- 1.10 The policy aims to provide guidance to applicants, responsible authorities and interested parties on the general approach to licensing in the town. Although each and every application will be dealt with separately and on its own individual merits, the Council in writing this policy is offering guidance on the wider considerations that will be taken in to account.
- 1.11 The policy comes into force on (?? January), 2005, and will be reviewed at least every three years, and / or if any amendments and / or additions are required to the policy at any time within those three years.
- 1.12 The policy document and guidance contained therein which are appropriate to Rotherham are intended for the guidance of the Licensing Committee as well as to assist applicants in presenting their application.
- 1.13 The policy is not intended to limit the power or fetter the discretion of the Licensing Committee who will listen to and determine on its own individual merits any application placed before them.

2. **SCOPE OF POLICY**

- 2.1 The policy covers applications, reviews, transfers and variations of licences for the following licensable activities:
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club to, or to the order of a member of that club
 - The provision of regulated entertainment, and
 - The provision of late night refreshment
- 2.2 Any application for a licence, certificate, variation or review, will be dealt with on its own individual merits and by reference to the four licensing objectives.

3. **CONSULTATION**

- 3.1 The local authority is committed to consulting with as wide and varied an audience as possible regarding this and any future policies or any amendments in accordance with the Licensing Act 2003.
- 3.2 Before publishing this policy statement, or any review, or amendments, the licensing authority has consulted with the following:-
 - (a) The Chief of Police for the area

- (b) The Fire Authority
- (c) Such persons as the licensing authority considers to be representative of holders of the following existing licences in respect of premises situated in the authority's area:
 - justices' licences (off- and on- licences);
 - canteen licences issued under the Licensing Act 1964;
 - licences issued under Schedule 12 to the London Government Act 1963 (licensing of public entertainment in Greater London);
 - licences issued under the Private Places of Entertainment (Licensing) Act 1967;
 - licences issued under the Theatres Act 1968;
 - licences issued under the Late Night Refreshment Houses Act 1969;
 - licences issued under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of public entertainments outside Greater London);
 - licences issued under section 1 of the Cinemas Act 1985; and
 - licences issued under Part 2 of the London Local Authorities Act 1990 (night café licensing).
- (d) Such persons as the licensing authority considers to be representative of clubs registered (within the meaning of the Licensing Act 1964) in respect of any premises situated in the authority's area.
- (e) Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The period of consultation was ??? weeks.

- 3.3 The views of the above consultees who responded were given due consideration when writing this policy.
- 3.4 The licensing authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.

4. A SUMMARY OF PROCESS

- 4.1 Each application for a licence will be considered:-
 - On its own individual merits
 - In accordance with the Licensing Act 2003 together with any amendments and supporting Regulations
 - With reference to the guidance issued under section 182 of the Licensing Act 2003
 - In accordance with this policy

- 4.2 Nothing in this statement of policy will:-
 - Prevent any person from applying under the 2003 Act for any of the permissions and from having that application considered on its own individual merits
 - Prevent any person or stop any person from making representations on any application or from seeking a review of a licence or certificate where the 2003 Act permits them to do so.

5. **PROMOTION OF LICENSING OBJECTIVES**

- 5.1 The Licensing Objectives are:
 - i) the prevention of crime and disorder,
 - ii) public safety,
 - iii) the prevention of public nuisance, and
 - iv) the protection of children from harm.
- 5.2 Each objective is of equal importance.
- 5.3 Each applicant must provide with their application full details as to how they will promote each of the four licensing objectives detailed above.

6. **LICENCE CONDITIONS**

- 6.1 Conditions include any limitations or restrictions attached to a licence or certificate and are essentially the steps the holder of a licence or certificate will be required to take at all times when licensable activities are taking place at the premises.
- 6.2 The licensing authority will only impose conditions on licences and certificates where necessary for the promotion of one or more of the licensing objectives and will not impose them for any other purpose.
- 6.3 The Government have provided pools of example conditions which relate to the licensing objectives and which are to be treated as a potential pool of conditions which may be tailored and attached as necessary conditions for premises licences and Club Premises Certificates. Copies of these pools of conditions are attached to this policy at Annexes 'A', 'B', 'C' and 'D'. The licensing authority will not consider these as standard conditions and will not apply them universally. However, the pools of example conditions cannot cover every scenario and conditions not appearing in the pool may be attached by the licensing authority where necessary for the promotion of one or more of the licensing objectives.
- 6.4 The licensing authority will ensure that conditions attached to licences or certificates are tailored to the individual style and characteristics of the particular premises and events concerned.

- 6.5 The licensing authority will impose mandatory conditions where alcohol is to be supplied as required by the Licensing Act 2003.
- 6.6 Conditions attached to licences and certificates by the licensing authority will focus on matters within the control of individual licences and centre on the premises and places used for the licensable activities and their vicinity. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In addressing this matter the licensing authority will focus primarily on the direct impact of the activities taking place at the licensed premise on members of the public living, working or engaged in normal activity in the area concerned.

7. THE PREVENTION OF CRIME AND DISORDER

- 7.1 Under the Crime & Disorder Act 1998 Rotherham Metropolitan Borough Council, as the licensing authority, must have regard to the likely effect of the exercise of its licensing function and do all it can to prevent crime and disorder within the town. In doing so the Council will have regard to the likely impact of licensing and related crime and disorder in the city when considering the location, operation and management of all proposed licence applications reviews and variations.
- 7.2 All applicants will be expected to demonstrate to the satisfaction of the licensing authority in their Operating Schedule how they intend to promote the prevention of crime and disorder as an objective.
- 7.3 It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local planning and transport policies, tourism, cultural and crime prevention strategies.
- 7.4 This will include suitable training to be extended to all bar staff and security staff so that persons supplying drugs, and users, will be deterred from using licensed premises for illegal purposes and that all incidents of crime and disorder in licensed premises is reduced.
- 7.5 In addition the licensing authority encourages the use of toughened glass or plastic drinking glasses in pubs and bars across the town.
- 7.6 The licensing authority may request the provision of CCTV in certain premises to a standard agreed with the South Yorkshire Police, to help promote the prevention of crime and disorder.
- 7.7 The provision of registered door supervisors (registered with the Security Industry Authority) in agreed numbers and locations may also be required.
- 7.8 The licensing authority support the aims of Pub and Club Watch schemes. Pub and Club Watch Schemes are designed to discourage troublemakers

from pubs and clubs in the town by information sharing and are also a useful body to represent licensees. Persons responsible for any premises where alcohol is available for sale or supply and consumption on those premises are encouraged to be a member of a Pub & Club Watch Scheme or any similar scheme approved by the South Yorkshire Police.

7.9 Conditions attached to Premises Licences and Club Premises Certificates, in order to promote the prevention of crime and disorder as a licensing objective, will, so far as possible, reflect local crime prevention strategies

8. **PUBLIC SAFETY**

- 8.1 The licensing authority recognises that licensed premises will cover a wide range of premises and activities, each with their own particular safety risks/issues.
- 8.2 The premises must be constructed or adapted and operated to safeguard occupants against those risks/issues.
- 8.3 The licensing authority expects applicants to provide in their application an operating schedule, which satisfactorily addresses these risks/issues.
- 8.4 Applicants for a licence or certificate under this legislation are reminded that one of the four licensing objectives is Public Safety and will therefore be required to demonstrate to the satisfaction of the licensing authority in their operating schedule how they intend to deal with this issue.
- 8.5 Applicants are advised to seek guidance from the Councils' Health and Safety specialist on Rotherham 01709 823161.
- 8.6 The licensing authority may require the provision of Electrical Safety Certificates, Gas Certificates, Fire Safety Certification, Risk Assessments, Health and Safety Policy including safe capacities appropriate for the type of premise and usage.
- 8.7 The licensing authority may attach conditions to licences to promote the Public Safety Objective and to promote general safety. These conditions will be based on the applicants operating schedule and drawn from the model pool of conditions relating to this objective or tailored specifically for those premises.

9. **SAFER CLUBBING**

"Safer Clubbing" concerns drugs and nightclubs. The Home Office, in conjunction with the Department of Health and the DCMS, has also produced the Safer Clubbing Guide that provides comprehensive new advice for nightclub owners, dance event promoters and existing local authority licensing departments on how to ensure the health and safety of anyone attending dance events in England. The Guide can be viewed in full on www.drugs.gov.uk.

10. **SAFER CLUBBING IN CLUBS**

- 10.1 The Government has outlined its commitment to addressing drugs in clubs in 1998 in its strategy "Tackling Drugs to Build a Better Britain". In 2001 the Home Office and the London Drug Policy Forum produced guidance entitled "Safer Clubbing" which, building on the earlier success of "Dance Till Dawn Safely", was nationally welcomed and proved an extremely useful document for licensing officers, club managers and promoters. The aim of reducing the potential harm through better management of dance venues was affirmed in the 2003 "Updated Drug Strategy" which may be viewed with the "Safer Clubbing" at www.drugs.gov.uk.
- 10.2 A key element of the strategy describing in "Safer Clubbing" is the use of necessary and appropriate licensing conditions to control the environment at relevant premises. A check-list of the most important measures described in "Safer Clubbing" are produced in Annex 'E' (modified to refer to the provisions of the 2003 Act). This licensing authority commends this document for use by the Police, all responsible authorities and all authorised persons under the 2003 Act.

11. PEOPLE WITH DISABILITIES

- 11.1 The licensing authority will assume the presence of people with disabilities on licensed premises. Facilities for people with disabilities should be provided at places of entertainment and applicants are therefore encouraged to provide facilities enabling their admission.
- 11.2 Applicants are reminded of the duties imposed by the Disability Discrimination Act 1995.
- 11.3 The licensing authority recognises both the importance of proper steps to ensure the safety of people with disabilities at places of entertainment and the need to avoid the imposition of conditions to a licence which would enable an operator to justify the exclusion of persons with disabilities from the premises by reference to such conditions.

12. **OTHER MECHANISMS**

- 12.1 The local authority recognises that licensing law is not a mechanism for the general control of anti social behaviour by individuals once they are away from the premises and therefore, beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned.
- 12.2 Other mechanisms for addressing problems relating to unlawful behaviour and badly behaved consumers include:
 - Planning Controls

- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance in town centres, ample 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
- Police enforcement of the normal law concerning disorder and anti social behaviour including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder; the likelihood of disorder or excessive noise emanating from the premises
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

13. THE PREVENTION OF PUBLIC NUISANCE

- 13.1 The licensing authority would remind applicants that a major concern for residents in premises close to licence outlets and a regular cause of complaint is noise nuisance.
- 13.2 Applicants for a licence under this legislation are reminded that one of the four licensing objectives is the prevention of public nuisance, and therefore will be required to demonstrate to the satisfaction of the licensing authority in their operating schedule how they intend to deal with this issue.
- 13.3 This could include steps to prevent noise breakout, noise nuisance and light pollution arising from the premises and also litter, urinating in the street and general disturbance from customers in the vicinity of the premises.
- 13.4 Applicants are advised to seek guidance from Councils' Noise Nuisance Officers and/or a suitably qualified Noise Consultant.
- 13.5 The licensing authority may impose stricter conditions with regard to noise control in areas which have denser residential accommodation but will not limit opening hours without regard to the individual merits of the application.

14. THE PROTECTION OF CHILDREN FROM HARM

14.1 The licensing authority judges the Area Child Protection Committee as being the body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and recognises the Area Protection Committee as being competent to advise the licensing authority on such matters. Notice of applications should therefore be

- forwarded to the Area Child Protection Committee as one of the Responsible Authorities.
- 14.2 The wide range of premises that will fall to be licensed under this Act means that children will visit many of these either as part of a family group or on their own.
- 14.3 Applicants for a licence under this legislation are reminded that one of the four licensing objectives is the protection of children from harm, and therefore will be required to demonstrate in their operating schedule how they intend to deal with this issue.
- 14.4 The licensing authority, in addition to the usual consultees will consult with the Area Child Protection Committee on any application which raises concerns regarding access for children.
- 14.5 Where children are to be admitted to the premises the licensing authority require CRB checks for staff who supervise children and may request extra staffing or stewarding etc, risk assessments and clear notification of the times and the areas of the premises to which children will be admitted.
- 14.6 The licensing authority fully support the Rotherham Tobacco Control Strategy.
- 14.7 Applicants can in their submission make it clear that any of the following limitations will be in place for the protection of children from harm.

Note: Age restriction re classification of films

No access – Sex Shows

No access – Adult Entertainment

- 14.8 The Licensing Committee cannot and will not impose any condition requiring children to be admitted to the premises. This will remain a matter for the individual licensee.
- 14.9 It is advisable that applicants having completed their own risk assessment etc. seek the views of the key responsible authorities, including

Crime and Disorder - South Yorkshire Police
Noise / Health and Safety - Environmental Health

Fire Safety - South Yorkshire Fire Service

- 14.10 The Act does not prohibit the access of children to licensed premises including those selling alcohol for consumption on the premises. However, the licensing authority may limit the access of children to any premises where necessary for the prevention of physical, moral or psychological harm to them.
- 14.11 The licensing authority recognises the vast array of entertainment/leisure facilities targeted at family entertainment, these include cinemas, theatres,

- concert venues, pubs, restaurants, cafes, takeaways, fast food outlets and certain nightclubs.
- 14.12 The licensing authority encourages applications from licensees that make venues family friendly and safe for children. However, the licensing authority would have concerns about access to children where:-
 - There have been convictions for serving alcohol to minors or where there is a reputation for underage drinking;
 - There is known association with drug dealing or drug taking;
 - There is a strong element of gambling on the premises; and
 - Entertainment of an adult or sexual nature is commonly provided.
- 14.13 In order to accommodate children in premises where licensable activities take place the licensing authority will assess each individual case on its own merits and impose certain restrictions where these are considered necessary for the prevention of harm to children. These may include:-
 - A restriction on the hours when children may be present (e.g. no children after 9:00 p.m.);
 - A restriction on the age of children to be admitted to the premises (e.g. over 14 years of age only);
 - A limitation or exclusion of children when certain activities are taking place (e.g. no children when entertainment of an adult or sexual nature is taking place):
 - A requirement for accompanying adults (e.g. all children must be accompanied by a person over 18 years of age); and
 - A full exclusion of children when licensable activities are taking place (complete bans are likely to be rare).

Children and Cinemas

- 14.14 The licensing authority will require licensees to ensure in the case of premises giving film exhibitions that children will be restricted from viewing films unless that film is classified for that age group by the British Board of Film Classification (BFC) or the local authority.
- 14.15 In the case of premises giving film exhibitions, the licensing authority will require applicants/licensees to include in their operating schedules to the satisfaction of the licensing authority, arrangements for ensuring that children will be restricted from viewing films unless that film is classified for that age group by the British Board of Film Classification or the licensing authority itself.
- 14.16 In all premises licences and club premises certificates authorising the exhibition of films for the admission of children, the licensing authority will impose a condition restricting the admission only to children who meet the required age limit set out in any certificate issued by the BFC or the licensing authority itself as required by the Licensing Act 2003.

Proof Of Age Scheme

- 14.17 Applicants and licensees should note that the licensing authority are concerned that under 18's are allowed to purchase alcohol and are frequently involved in drink related disorder. To prevent illegal purchases of alcohol the authority recommends that all licensees join a proof of age scheme such as that operated by the Portman Group or the national proof of age scheme called the "Citizens Card", and ensure that there is prominently displayed in licence premises "under 18" warning signs. The licensing authority expect that all staff responsible for the sale of alcohol receive information and advice on the licensing laws relating to children and young persons in licensed premises.
- 14.18 Licensees must be aware that if they are convicted of an illegal sale their licence may be reviewed.

Staffing Levels

- 14.19 Where regulated entertainment is to be provided and children will be present on the premises, the licensing authority will impose conditions requiring a sufficient ratio of adult staff to be present on the premises to control the access and egress of children and to protect them from harm. The number of attendants to assist persons entering or leaving the premises (excluding the licensee and/or the premises supervisor) must be stated in the operating schedule and must be of a level to ensure the safety of those attending the premises.
- 14.20 The 2003 Act details a number of offences designed to protect children in licensed premises. The licensing authority will work with the Police to ensure that the law is enforced.
- 14.21 The licensing authority may attach conditions to licences to protect children from harm. These conditions will be based on the applicants operating schedule and tailored specifically for those premises in relation to this objective.

15. **PORTMAN GROUP CODE OF PRACTICE**

15.1 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. This licensing authority commends this Code.

16. **CUMULATIVE IMPACT**

- 16.1 When considering an application for a licence the licensing authority will not take "need" in to account. ("Need" relates to the commercial demand for another licensed premise. It is not a matter for the licensing authority to take into account when determining applications for licences. It is a matter for planning committees and the market to decide upon.) However, the cumulative impact of licensed premises on the promotion of the Licensing Objectives will be considered by the licensing authority.
- 16.2 Although the licensing authority will not consider need it recognises that serious problems of nuisance and disorder can arise where there is a concentration of premises as a result of the increased capacity of those premises taken together and this has a resulting impact on the surrounding area.
- 16.3 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. It is concerned with the serious problems of nuisance and disorder that can arise where there is a concentration of premises and reflects the increasing capacity of all those premises taken together and the resulting impact on the surrounding area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority to consider.
- 16.4 Where the licensing authority receives representations from a responsible authority, or interested party, that an area has become saturated with licensed premises, making it a focal point for large groups of people to gather and circulate, creating exceptional problems of disorder and nuisance over and above the impact from any individual premises, the licensing authority may, where satisfied that the imposition of conditions may not address the issue, adopt a "Special Saturation Policy" of refusing new licences. This is because the area is already saturated with certain types of licensed premises and the granting of any further licences would undermine one of the licensing objectives.
- 16.5 However, such a policy would not be absolute and the circumstances of each application will be properly considered by the licensing authority on its own merits.
- 16.6 The licensing authority will take the following steps in considering whether to adopt a Special Saturation Policy:-

- Identification of serious and chronic concern from a responsible authority or representatives of residents about crime and disorder or nuisance
- Assessment of the causes
- Consideration of whether it can be demonstrated that crime and disorder and nuisance is arising and is caused by the customers of licensed premises and if so identifying the area from which problems are arising and the boundaries of that area
- Adopting a policy about future licence applications from that area
- 16.7 The effect of adopting a Special Saturation Policy would be to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants will, therefore, need to address the Special Saturation Policy issues in their operating schedule in order to rebut such a presumption.
- 16.8 A Special Saturation Policy would not relieve responsible authorities or interested parties of the need to make a relevant representation to the licensing authority before the licensing authority may consider giving effect to the Special Saturation Policy.
- 16.9 The licensing authority will consider representations from responsible authorities and/or interested parties based on the impact on the promotion of the licensing objectives in the licensing authority's area generally of the grant of the particular application before them.
- 16.10 The onus would be on the party making the representation for providing evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed.
- 16.11 The licensing authority recognises and will take into account the diversity of licensed premises and the different impact on the local community of premises with different styles and characteristics. Accordingly the licensing authority recognises that within any such policy it may be able to approve licences that are unlikely to add significantly to the saturation and will consider each application on its own individual merits.
- 16.12 The licensing authority will review any Special Saturation Policy at least every three years to measure its effectiveness and to confirm whether it is still needed.
- 16.13 The licensing authority will not use such policies solely as grounds for removing a licence when representations are made about an existing licensed premise or refuse variations to a licence, except where those variations are directly relevant to the policy, such as an application to significantly increase the capacity.

- 16.14 The licensing authority does not consider that a particular concentration of licensed premises in a particular area is already causing a cumulative impact on one or more of the licensing objectives.
- 16.15 The absence of a Special Saturation Policy does not prevent any responsible authority or interested party making representation 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.

17. **LICENSING HOURS**

- 17.1 The licensing authority recognises that longer licensing hours for the sale of alcohol will avoid large numbers of people leaving premises simultaneously. This should reduce friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance.
- 17.2 The licensing authority will not set fixed trading hours within designated areas. This will prevent significant numbers of people crossing boundaries to seek premises with later opening hours, with the resulting concentration of disturbance and noise being reduced.
- 17.3 The licensing authority will deal with each application on its own individual merits. However, applicants will be expected to demonstrate in their operating schedule to the satisfaction of the licensing authority how they will promote the four licensing objectives.
- 17.4 The licensing authority may impose stricter conditions in respect of noise control where premises are situated in mainly residential areas.

18. **SHOPS, STORES AND SUPERMARKETS**

- 18.1 The licensing authority will normally licence shops, stores and supermarkets to sell alcohol for consumption off the premises at any times the premises are open for shopping.
- 18.2 However, there may be good reason for restricting those hours, for example following Police representations made in respect of isolated shops known to be the focus of disorder and disturbance.

19. CLUB PREMISES CERTIFICATES

19.1 The licensing authority recognizes that non-profit making clubs have made an important and traditional contribution to the life of many communities, that their activities take place on private premises to which the public do not generally have access and that they operate under codes of discipline applying to members and their guests.

- 19.2 The licensing authority will bear these matters in mind in determining what conditions should be included in certificates.
- 19.3 In considering any representations from responsible authorities and interested parties the licensing authority will not impose any conditions to a certificate unless it has been demonstrated that they are strictly necessary for the promotion of the Licensing Objectives.
- 19.4 The licensing authority recognizes that the indirect costs of conditions attached to certificates will be bourne by individual members of the Club and cannot be recovered by passing on those costs to the general public.
- 19.5 The licensing authority will not impose conditions which interfere with the arrangements for granting membership or voting within the Club.

20. APPLICATIONS FOR TEMPORARY EVENT NOTICES

- 20.1 Whilst the Licensing Act 2003 provides that any temporary event notice must be given to the licensing authority no later than ten working days notice before the day on which the temporary event period begins, the licensing authority requests that any temporary event notice be given to the licensing authority as early as possible and **at least 28 days before** the day on which the temporary event period begins. This will allow the licensing authority to help organisers of temporary events plan the events safely.
- 20.2 If it is not possible to give a temporary event notice to the licensing authority at least 28 days before the day on which the temporary event period begins, the licensing authority strongly encourages temporary event notice givers to give the temporary event notice to the licensing authority at the earliest possible time.

21. **RESPONSIBLE AUTHORITIES**

- 21.1 Applicants for Premises Licences and Club Premises Certificates or variations to Premises Licences and Club Premises Certificates are required to give notice of their application to each of the Responsible Authorities.
- 21.2 Addresses to which notice of applications may be sent to each of the Responsible Authorities are:
 - South Yorkshire Police Headquarters, Main Street, Rotherham. For the attention of PS A. Eyre, Licensing Sergeant.
 - RMBC, Health & Safety, Howard Building, College Lane, Rotherham, S65 1AX
 - RMBC, Noise Pollution, Howard Building, College Lane, Rotherham, S65 1AX
 - RMBC, Planning, Bailey House, Rotherham

RMBC, Social Services, Children Protection and Planning Section, Floor 4, Crinoline House, Effingham Square, Rotherham, S65 1AW

District Fire Safety Officer, Dearne District Fire Safety Office, Broadway, Barnsley, S70 6RA

In the case of vessels, the following should also be included:-

Navigation Authority British Waterway Board Environmental Agency Secretary of State

- 21.3 If any notice is sent to any responsible authority at any addresses other than those listed above the licensing authority may deem that the notice has not been given.
- 21.4 It is for an applicant to show that a notice has been given to each responsible authority and accordingly the licensing authority recommends that notice of any application is given by recorded delivery or by means which generates a receipt.

22. APPLICATIONS

- 22.1 The licensing authority requires all applications to be made in the correct form and in accordance with, and having satisfied, the requirements of the Licensing Act 2003 and the Regulations.
- 22.2 Any application not made in accordance with, or not having satisfied the requirements of the Licensing Act 2003 or the Regulations may be returned to the applicant for resubmission. The licensing authority will not consider that any such application has been properly made and accordingly will not consider that the time limits set out in the Licensing Act 2003 have commenced.

23. **INTEGRATING STRATEGIES**

- 23.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning, transport, tourism and cultural strategies by:-
 - Liaising and consulting with the South Yorkshire Police, Community Safety Forum and the Crime and Disorder Partnership;
 - Liaising and consulting with the Planning authority;
 - Liaising and consulting with the Highways authority;
 - Liaising and consulting with the Rotherham Town Centre Management Team and the Rotherham Tourism Team:

- Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols;
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- Having regard to the Home Office Safer Clubbing Guide
- 23.2 The licensing authority in dealing with the Licensing Act 2003, will adopt a multi disciplinary approach to ensure proper integration of local and national strategies to promote the licensing objectives.
- 23.3 This will include working closely with other agencies to ensure proper integration of local Crime, Prevention, Planning, Transport, Tourism and Cultural Strategies.
- 23.4 The licensing authority will agree protocols with the Police to enable them to report to the Committee responsible for transport matters on the need for swift and safe dispersal of people to avoid concentrations that can produce disorder and disturbance.
- 23.5 Arrangements will be made by the licensing authority for the Licensing Committee to receive reports from time to time on the:-
 - Needs of the local tourist economy
 - Cultural strategy for the area
 - Employment situation in the area and the need for new investment and employment where appropriate.
- 23.6 The licensing authority will ensure that reports are sent from the Licensing Committee to the Planning Committee advising them of the situation regarding licensed premises in the area and including the general impact of alcohol related crime and disorder to assist them in the decision making.

24. **DUPLICATION**

- 24.1 The licensing authority recognises that there should be a clear separation of the Planning and Licensing functions. Licensing applications will not be a rerun of the planning application.
- 24.2 The licensing authority will so far as possible avoid duplication with other regulatory regimes, for example many aspects of Fire Safety will be covered by existing and future legislation.

25. **ENFORCEMENT**

25.1 Once licensed it is vital that premises are operated and maintained in accordance with the Licensing Act 2003, the four licensing objectives and any

- conditions imposed by the licensing authority. The licensing authority will, therefore, take enforcement action where necessary to ensure this.
- 25.2 The licensing authority will establish with South Yorkshire Police and South Yorkshire Fire Service protocols relating to the enforcement of the 2003 Act.
- 25.3 The licensing authority will have particular regard to the following principles; the targeting of high risk premises or activities which require greater attention; consistency of approach; transparency and proportionality.
- 25.4 The licensing authority will operate a light touch inspection regime for well managed and well maintained premises.

26. LIVE MUSIC, DANCING AND THEATRE

- 26.1 The licensing authority recognises and will take proper account of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, particularly children.
- 26.2 When considering applications for such events the licensing authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

27. PROMOTION OF RACIAL EQUALITY

- 27.1 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on Rotherham Metropolitan Borough Council to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.
- 27.2 The Council has developed a Race Equality Scheme. The Race Equality Scheme makes clear how the Council will meet the Race Relations (Amendment) Act 2000. If you require a copy please contact Luisa Fletcher, Corporate Equalities Unit, Chief Executive's Office, Bailey House, Rawmarsh Road, Rotherham S60 1RU Telephone 01709 822871.

28. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

- 28.1 The licensing authority has established a Licensing Committee to administer the wide range of licensing decisions and functions which the Council will be involved in.
- 28.2 The Licensing Committee has delegated certain decisions and functions and established a number of sub committees to deal with them. This will provide an efficient and cost effective service for all parties involved in the licensing function.

- 28.3 The grant of non-contentious applications has been further delegated to officers.
- 28.4 The table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 28.5 Any such matters delegated in this way will be listed for comment at the next committee meeting.
- 28.6 The agreed delegation of decisions and functions is without prejudice to the ability of officers to refer an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the particular circumstances.

29. **ADVICE**

Advice about whether or not activities require a licence may be obtained from the Senior Licensing Officer, RMBC, Licensing Section, Howard Building, College Lane, Rotherham, Telephone 01709 823163, Fax, 823154 or e mail trading.standards@rotherham.gov.uk

Recommended delegation of functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal Licence		If an objection made	If no objection made
Application for personal Licence with unspent Convictions		All cases	
Application for premises Licence/club premises Certificate		If a representation made	If no representation made
Application for provisional Statement		If a representation made	If no representation made
Application to vary premises Licence/club premises Certificate		If a representation made	If no representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	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 police representation to a temporary event notice		All cases	